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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in the Lok Sabha on 4th December, 2009:—

BILL NO. 71 OF 2009

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2009. Short title.
2. In clause (1) of article 275 of the Constitution, after the second proviso, the following Amendment
of article 275.
provisos shall be added, namely:—

“Provided also that there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of a State such capital and recurring sums as may be necessary to enable that State to meet the costs of implementation of various welfare schemes or developmental works undertaken by the State for the welfare of the people if that State is unable to implement such schemes or works due to severe financial crisis:

Provided also that there shall be paid out of the Consolidated Fund of India a sum of rupees fourteen thousand crore as one time grants-in-aid of the revenues of the State of Orissa and a sum of rupees five thousand crore every year to that State.”

STATEMENT OF OBJECTS AND REASONS

Orissa is one of the economically, educationally, industrially and socially backward and underdeveloped States of the Indian Union mainly due to consistent neglect by the Centre. Moreover, nature too has not been kind to the State as many areas are drought prone in the State. KBK districts have become synonymous with drought, hunger and backwardness. The coastal areas are vulnerable to cyclones or super cyclone or even Tsunami. The State is inhabited by tribals and poor people and it is faced with numerous problems such as severe unemployment, lack of industrial development due to poor infrastructure, lack of healthcare facilities resulting in high incidence of various diseases mainly the vector borne diseases like malaria, waterborne diseases, T.B., Cancer and AIDS. The road network is in bad shape. There is lack of educational facilities. This has resulted in severe poverty in the State. Frequent cyclones and super cyclone in the recent past have hit the economy of the State very hard. Present State Government is doing its level best to turn around the economy of the State and bring prosperity there but this will require huge Central assistance.

The State Government of Orissa had recently demanded a Special Economic Package of rupees fourteen thousand crore for implementation of various development projects and welfare schemes for the people of Orissa. Thereafter, special funds to the tune of five thousand crore rupees will be required every year. Article 275 of the Constitution provides for payment of grants-in-aid of the revenues of various States which are in need of financial assistance for various purposes. To enable the Centre to release funds to Orissa, amendment of this article has become necessary.

Hence this Bill.

NEW DELHI;
June 5, 2009.

BAIJAYANT PANDA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for grants-in-aid of the revenues of the State facing severe financial crisis. It also provides for one time grant-in-aid to the tune of rupees fourteen thousand crore and five thousand crore rupees as recurring annual expenditure. The Bill, therefore, if enacted, will involve a recurring expenditure of rupees five thousand crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees fourteen thousand crore would also be involved.

BILL NO. 72 OF 2009

A Bill to provide for identification of illegal immigrants and those foreign nationals who are overstaying in the country or have gone missing after the expiry of their visas and for their deportation to the countries of their origin and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Illegal Immigrants and Overstaying Foreign Nationals (Identification and Deportation) Act, 2009. Short title and extent.

(2) It extends to the whole of India.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) “Commission” means the National Commission on Illegal Immigrants and Foreign Nationals established under section 3;

(c) “foreign national” means a foreign national who is overstaying in India even after the expiry of period referred to in the visa or other document issued to him by the designated authority of the Government of India;

(d) “illegal immigrant” means any person who comes to India without any proper and valid documents issued by the designated authority of the Government of India; and

(e) “prescribed” means prescribed by rules made under this Act.

(2) words and expression used and not defined in this Act and defined in the Foreigners Act, 1946 shall have the meanings, respectively, assigned to them in that Act.

31 of 1946

Establishment
of National
Commission
for
Identification
and
Deportation
of Illegal
Immigrants.

3. (1) The Central Government shall, as soon as may be, establish a Commission to be known as the National Commission for Identification and Deportation of Illegal Immigrants and Foreign Nationals;

(2) The Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall, by the said name, sue and be sued.

(3) The Commission shall consist of,—

(i) a chairperson who shall be a serving or a retired judge of the Supreme Court to be appointed by the President in consultation with the Chief Justice of the Supreme Court; and

(ii) four other Members to be appointed by the President, in such manner as may be prescribed.

(4) The Chairperson and other Members of the Commission shall hold office for a term of five years and shall be entitled to such salaries and allowances as may be prescribed.

(5) The Head Office of the Commission shall be at Bhubaneswar in the State of Orissa.

(6) The Commission shall have a Secretariat consisting of a Secretary and such other officers and employees to assist the Commission in discharging its functions with such terms and conditions of service as may be determined by the Central Government from time to time.

(7) The Commission shall meet at such intervals and observe such procedure in the transaction of its business, as may be prescribed.

(8) The quorum to constitute any sitting of the Commission shall be such as may be prescribed.

Functions of
the
Commission.

4. The Commission shall perform the following functions, namely: —

(a) identify illegal immigrants/foreign nationals and their nationality;

(b) prescribe guidelines for the State Commission for identifying illegal immigrants/foreign nationals and their nationality;

(c) hear any complaint or appeal against the findings of any State Commission;

(d) recommend to the appropriate Government for deportation of illegal immigrants and foreign nationals;

(e) facilitate speedy hearing of cases against illegal immigrants and foreign nationals; and

(f) take such measures as it may deem necessary for the purposes of this Act.

5. (1) The Central Government shall, by notification in the Official Gazette, establish a State Commission for Identification and Deportation of Illegal Immigrants and Foreign Nationals for a State or a group of States.

(2) The State Commission shall consist of, —

- (i) a Chairperson who shall be a serving or retired judge of a High Court; and
- (ii) four other members.

(3) The Chairperson and other Members of the Commission shall hold office for a term of five years and shall be entitled to such salaries and allowances as may be prescribed.

(4) The Head Office of the Commission shall be in the capital city of the State or at such other place as may be prescribed.

(5) The Commission shall have a Secretariat consisting of a Secretary and such other officers and employees to assist Commission in discharging its functions with such terms and conditions of service as may be determined by the Central Government from time to time.

(6) The Commission shall met at such intervals and observe such procedure in the transaction of its business, as may be prescribed.

(7) The quorum to constitute any sitting of the Commission shall be such as may be prescribed.

6. The State Commission shall perform the following functions, namely: —

- (a) carry out necessary exercise as per the guidelines issued by the Commission to identify illegal immigrants/foreign nationals in areas under its jurisdiction;
- (b) prepare and forward the list of identified illegal immigrants and foreign nationals to the Commission and the appropriate Government for their deportation from the country; and
- (c) discharge such other functions as may be assigned to it by the Commission.

7. (1) Notwithstanding anything contained in any other law for the time being in force, the Commission may recommend to the appropriate Government for, —

- (i) stopping all assistance enjoyed by the illegal immigrants and foreign nationals with immediate effect;
- (ii) impounding the ration cards, voter identity cards in the possession of illegal immigrants and foreign nationals;
- (iii) deleting the names of illegal immigrants and foreign nationals from the electoral rolls;
- (iv) terminating the services of illegal immigrants and foreign nationals in case they have got employment either in public or private sector;
- (v) taking necessary action to recover the loans borrowed by illegal immigrants or foreign nationals; and
- (vi) ensuring deportation of the illegal immigrants and foreign nationals to their countries.

(2) The appropriate Government shall, as soon as possible, take action on the recommendations of the Commission.

8. (1) Any person, aggrieved or who has any complaint against a decision or finding of any State Commission shall be entitled to represent to the Commission who shall hear and dispose of the representation within one month from the date of its receipt by the Commission,

(2) Every person, who represents to the Commission under sub-section (1), shall be given an opportunity of being heard before his representation is disposed of by the Commission.

Establishment
of State
Commission
for
Identification
and
Deportation
of Illegal
Immigrants
and Foreign
National

Functions of
the State
Commissions.

Recommendations
of the
Commission
to the
appropriate
Government.

Representations
to the
Commission.

Inconvenience
not to be
caused to
bonafide
citizens

9. The appropriate Government and the State Commission shall ensure that no inconvenience is caused to any *bonafide* citizen of the country while enforcing the provisions of this Act.

Central
Government
to provide
funds.

10. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Act to have
overriding
effect.

11. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in
derogation of
any other law.

12. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to
make rules.

13. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are millions of illegal immigrants in our country most of whom have come from our neighbouring countries. Unfortunately, their infiltration into our country is going on unabatedly. Our country is already overpopulated and struggling to provide the basic necessities of life to its own citizens and cannot in any way afford to feed and sustain these illegal immigrants. They are not only increasing the number of our booming population, but also indulging in criminal and anti-national activities. They are helping the extremist activities against our nation and are responsible for creating law and order problem in the country. The population of illegal immigrants has swelled even in the national capital which is becoming an unsafe place to live in for the citizens. Since they are from the neighbouring countries, they easily mix up with the local population and it is not easy to detect them. Similarly, thousands of foreign nationals who come to our country on a short time visa disappear and overstay even after the expiry of their visa period. They too are indulging in terrorist activities. Unfortunately, many of them have also managed to get themselves enrolled as voters in the country and have acquired ration cards and elector cards to show themselves as Indian citizens. As such they are creating difficulties for the genuine citizens and usurping their rights. It has, therefore, become necessary to identify them and deport them to countries of their origin.

The Illegal Migrants (Determination by Tribunals) Act, 1983 was enacted to deal with the illegal immigrants but the same has been declared *ultra vires* by the Supreme Court of India. At present, except the Foreigners Act, 1946 there is no other law to deal with illegal immigrants in the country. Hence it has become necessary to have a stringent legislation to deal with this serious issue.

Hence this Bill.

NEW DELHI;
June 5, 2009

BAIJAYANT PANDA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Commission for Identification and Deportation of Illegal Immigrants and Foreign Nationals. Clause 5 of the Bill provides for the establishment of State Commissions for a State or for a group of States. Clause 10 provides that Central Government shall provide adequate funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two hundred crore will be involved as recurring expenditure per annum.

A sum of rupees fifty crore is also likely to be involved as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL No. 73 OF 2009

A Bill to provide for the promotion of two child norm to control population through incentives and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Promotion of Two Child Norm Act, 2009.

Short title and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires, "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government.

Definition.

3. The Central Government shall in consultation with the Governments of the States promote two child norm and adopt such measures as may be necessary to achieve the objective.

Promotion of
two child
norm.

4. Notwithstanding any custom, tradition or anything contained in any other law for the time being in force, no person shall, after one year from the commencement of this Act, procreate more than two children.

Two child
norm for the
general public.

Incentives for adoption of small family norm.

5. (1) A married couple who has no child, and if either of them voluntarily undergoes sterilisation, shall be given following incentives by the appropriate Government, namely:—

(a) a dwelling unit free of cost;

(b) one time out of turn promotion to the person if he is a government employee;

and

(c) free medical facilities, pension, food and shelter in their old age.

(2) A married couple who has only one child and if either of them voluntarily undergoes sterilisation, shall be given the following incentives by the appropriate Government, namely:—

(a) a dwelling unit at subsidised or concessional rates;

(b) free education including technical and medical education to the child;

(c) one time out of turn promotion to the person if he is a Government employee;

(d) one time cash reward, as may be prescribed; and

(e) employment to the child after completion of his education.

(3) A married couple having two living children, and if either of them voluntarily undergoes sterilization, shall be given the following facilities by the appropriate Government, namely:—

(a) free education including higher and technical education to both the children;

(b) job to the children after completion of their education;

(c) two extra increments to Government employees and one time cash reward of ten thousand rupees to those who are not Government employees;

(d) preferential allotment of dwelling unit under Government housing schemes;

and

(e) such other facilities as the appropriate Government may deem necessary.

Insertion of new section 8B in Act No. 43 of 1951.

6. After section 8A of the Representation of the People Act, 1951, the following section shall be inserted, namely:—

43 of 1951

Disqualification on ground of not following small family norm.

"8B. (1) A person shall be disqualified if he procreates more than two living children:

Provided that the person shall not be disqualified if he, within a period of one year from the date of commencement of the Promotion of Two Child Norm Act, 2009, procreates another living child and thereby the number of living children of that person increases to more than two.

(2) The disqualification referred to in sub-section (1) shall not apply in case of person having more than two living children on the date of commencement of the Promotion of Two Child Norm Act, 2009."

Undertaking by Government employees.

7. (1) Any person who is serving in connection with the affairs of the Union Government or in any undertaking or organization under the control of the Government and who has only one child or who has not procreated any child or who is unmarried on the date of coming into force of this Act, shall give an undertaking that he shall not procreate more than two children:

Provided that the provision of this section shall not apply to an employee who has more than two living children on the date of coming into force of this Act.

(2) Any person violating the provision of sub-section (1) shall not be eligible for any further increment and promotion during the tenure of his service and shall be subject to such other action as may be determined by the Central Government.

8. Any person who procreates more than two children after one year from the commencement of this Act shall not be entitled to the following facilities, namely:—

Disincentive for violation of the Act.

- (a) essential ration items including fuel like kerosene or any other ration items from public distribution system;
- (b) allotment of house from a housing scheme sponsored by the appropriate Government or its agencies;
- (c) availing of any welfare or social security scheme;
- (d) free maternity facilities in any Government hospital or dispensary or health care centre;
- (e) availing loan facility from any public sector bank or Financial Institution; and
- (f) such other disincentives as may be prescribed.

9. The appropriate Government shall introduce population control as a compulsory subject in all educational institutions in such manner as may be prescribed.

Introduction of population control as a subject in educational institutions.

10. (1) No marriage shall be solemnised between a male who is less than twenty-five years of age and a female who is less than twenty-one years of age.

Restriction on age of marriage.

(2) Any marriage solemnised in contravention of the provisions of this sub-section (1) shall be void.

11. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate fund for carrying out the purposes of this Act from time to time.

Central Government to provide funds.

12. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have over-riding effect.

13. The Provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

Act not in derogation of any other law.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

After China, ours is the most populous country in the world and we have already crossed the one billion mark. If this explosion of population is not checked effectively within next ten to fifteen years, China will be left far behind and ours will become the most populous nation. Although India occupies only 2.4 per cent. of global land area, it is home to 20 per cent of the world population, which has made our country one of the most densely populated nations in the world. This has given rise to unparalleled transformation of human values, social institutions and economic structures. Due to overcrowding caused by population explosion, law and order situation in most parts of the country is deteriorating day by day. Incidents of Robbery, snatching, stealing, rape, murder and other crimes are rising. Unemployment among the youth, more so amongst the educated ones, is rising menacingly and the gap between the haves and have-nots is creating explosive situations. In most parts of the country, agricultural land holdings are fast becoming smaller and smaller and uneconomical because of its division generation after generation. The housing needs in urban as well as in rural areas are far beyond the available finances and educational facilities are hopelessly inadequate to meet even with the existing demands let alone the future ones. The population explosion is adversely affecting the ecological balance of our nation. The drinking water has become scarce. The ground water level has alarmingly gone down and has become contaminated and poisonous. The jungles are fast depleting resulting in less rains causing frequent droughts. Air, water and noise pollution has risen to dangerous levels. The civic amenities have almost broken down throughout the country. Thus the entire scenario has become alarming due to ever increasing population. Since there is no balance between population growth and the available resources, a developing nation like ours can hardly expect to achieve a quality life by adding further to her numbers day by day.

Therefore, the time has come to check the population growth effectively and this menace has to be tackled at all levels. The situation has become alarming due to apathy of populace to foresee this population explosion time bomb which will create havoc if strong measures are not taken at the earliest to defuse this time bomb. For this, two child norm has to be enforced stringently and incentives and disincentives have to be introduced otherwise the growing population will certainly hamper the progress and prosperity of our nation.

Hence this Bill.

NEW DELHI;
June 5, 2009.

BAIJAYANT PANDA

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3)
OF THE CONSTITUTION

[Copy of letter No. H. 11018/1/2009-Ply., dated 17 August, 2009 from Shri Ghulam Nabi Azad, Minister of Health and Family Welfare to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the Promotion of Two Child Norm Bill, 2009 by Shri Baijayant Panda, Member of Parliament, has recommended consideration of the Bill by Lok Sabha under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for certain incentives for adoption of small family norm. Clause 11 provides that the Central Government shall, after due appropriation made by Parliament by law provide adequate fund for carrying out the purposes of this Act from time to time. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore will be involved as a recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only, and as such the delegation of legislative power is of a normal character.

BILL NO. 74 OF 2009

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixtieth year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2009.

Short title.

2. After article 16 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
16A.

“16A. Nothing in this Constitution shall prevent the State from making any provision for reservation in the matter of employment in private enterprises in favour of persons belonging to the Scheduled Castes and the Scheduled Tribes.”

Employment
opportunities
to persons
belonging to
Scheduled
Castes and
Scheduled
Tribes in
private sector.

Explanation.—In this article,—

(i) “private enterprise” means any private enterprise or organization whose annual turnover is not less than rupees ten crore; and

(ii) "provision for reservation" includes any incentive, which may be given to a private enterprise by the State, to encourage the enterprise to provide reservation in employment to persons belonging to the Scheduled Castes and the Scheduled Tribes."

STATEMENT OF OBJECTS AND REASONS

Although private enterprises have dedicated 'Corporate Social Responsibility' divisions, it is observed that these enterprises have not been actively pursuing their social responsibilities. Private enterprises are supposed to carry out their social responsibilities actively in the interest of general public and especially towards weaker sections of our society. The job opportunities in the private sector have increased manifold following the liberalization of the Indian economy during the last decade. In order to fulfil its social responsibility, the private sector should come forward to extend job opportunities to the persons belonging to the Scheduled Castes and the Scheduled Tribes.

It is necessary to make an amendment in the Constitution to enable the State to encourage private enterprises to provide reservation in employment to the persons belonging to the Scheduled Castes and the Scheduled Tribes in their establishments.

The Bill seeks to achieve the above objective.

NEW DELHI;
June 18, 2009.

BASUDEB ACHARIA

BILL NO. 41 OF 2009

A Bill to provide for the setting up of a Special Irrigation Development Fund for the development of irrigation facilities in the forest areas and for matters connected therewith.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Irrigation Development Fund (For Forest Areas) Act, 2009.

Short title and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) 'forest area' means any district where more than thirty-three percent of the total geographical area is covered by forests and has been declared as the forest area by the State Government concerned or the Central Government, as the case may be, for the purposes of this Act;

(b) 'Fund' means the Special Irrigation Development Fund constituted under section 3 of this Act; and

(c) 'prescribed' means prescribed by rules made under this Act.

Special
Irrigation
Development
Fund.

3. (1) The Central Government shall set up a Fund to be known as the Special Irrigation Development Fund for the development of the irrigation facilities in the forest areas of the country.

(2) The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, contribute such amount to the Fund as may be necessary to carry out the provisions of the Act.

State
Government/
Union
territory
Administration
to send details
of the
infrastructure
and cost
required for the
development
of irrigation
facility in
forest areas.

4. (1) A State Government or the Union territory Administration, as the case may be, shall forward the details of the required infrastructure and the estimated cost of the irrigation development project of the forest areas falling in their respective territories to the Central Government.

(2) The Central Government, on receipt of such details, shall provide funds to the State Government or the Union territory Administration, as the case may be, for the development of irrigation facilities in the forest areas in such manner as may be prescribed.

(3) The funds provided under sub-section (2) shall be used for the following purposes:—

- (i) expeditious completion of ongoing irrigation projects in forest areas;
- (ii) construction of small ponds for the use of farmers in the forest areas;
- (iii) digging wells and bore wells in the forest areas;
- (iv) installing electric pumps for irrigation in the forest areas;
- (v) providing pipes for irrigation to the farmers living in the forest areas;
- (vi) meeting costs incurred on implementing the "Lift Irrigation Scheme" based on the water resources of the forest areas;
- (vii) renovation of old ponds and water reservoirs in forest areas; and
- (viii) construction of canals.

(4) The State Governments and the Union territory Administrations getting funds under sub-section (2) shall furnish the details of expenditure incurred on the irrigation development works in forests areas to the Central Government in such manner and in such time as may be prescribed.

(5) In case any State Government or Union territory Administration fails to utilise the funds for the purpose it was released or fails to produce the details under sub-section (4), the Central Government shall withhold sanction of funds to such State Government or Union territory Administration.

Power to
make rules.

5. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980, has put some restrictions on the use of forest land for non-forest purposes. Due to this, irrigation projects and other development activities cannot be undertaken in the forest areas. It is neither justifiable nor appropriate to deprive the people who have been living in forest areas since time immemorial from getting facilities for their upliftment. A large number of proposals relating to irrigation projects in the forest areas are pending approval in the Ministry concerned. Due to lack of irrigation facilities, people living in the forest areas have to depend on rain despite having the water reservoirs. Due to non-availability of irrigation facilities, the production in forest areas is low which compels them to live in extreme poverty. The agricultural production has suffered due to increase in number of small holdings as a result of division in families. The small holding has also made it difficult for them to run their families. In case, the irrigation facility is provided even to small holdings of land it may enable the farmers to sustain their lives. Therefore, the Government should take initiative to create a Fund for the betterment of farmers.

It is becoming more and more difficult for the farmers living in forest areas to cultivate their lands due to non-availability of irrigation facilities. Farmers are committing suicide due to heavy indebtedness to local money lenders who charge high rates of interest. To save the farmers of the forest areas from the hardship presently being faced by them, there is a need to constitute a Special Irrigation Development Fund for the forest areas.

State Governments do not have sufficient funds for the development of Irrigation Projects in the forest areas. Therefore, there is a need to set up a Fund by the Central Government for the development of Irrigation Projects in the forest areas to facilitate better irrigation facilities in the forest areas and to ensure better living standard to the farmers of these areas.

Hence this Bill.

NEW DELHI;
June 22, 2009.

HANSRAJ GANGARAM JIAHIR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a Special Irrigation Development Fund for the forest areas. Clause 4 provides for the release of funds to the State Government for the development of irrigation projects in the forest areas. The Bill, therefore, if enacted, is likely to involve an annual recurring expenditure of rupees fifty thousand crores from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five thousand crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 52 OF 2009

A Bill to provide for compulsory voting by the electorate in the country and for matters connected therewith.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Voting Act, 2009.

(2) it extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Notwithstanding anything contained in the Representation of the People Act, 1951 or any other law for the time being in force, every citizen, who is eligible to vote at an election, shall exercise his right to vote compulsorily when called for by the Election Commission in an election to the House of the People or Legislative Assembly of a State, as the case may be:

Provided that a voter may be exempted from exercising his right to vote if he is physically incapacitated due to an illness of a serious nature and produces a certificate from a registered medical practitioner certifying such incapacity.

Short title,
extent and
commencement.

Compulsory
voting by
every eligible
citizen.

Mobile polling booths for casting votes by certain citizens.

3. The Election Commission shall arrange for adequate number of mobile polling booths in each constituency for casting of votes by citizens who are unable to cast their votes in polling booths due to illness or such reasons, as may be prescribed by rules made under this Act.

Punishment.

4. Any citizen, who fails to cast his vote, shall be liable to—

(i) a fine of rupees one hundred, or one day's imprisonment or both;

(ii) forfeiture of his ration card; and

(iii) be rendered ineligible for contesting any election for a period of six years from the date of his conviction, in case of deliberate avoidance;

Provided that if such citizen is an employee of the Central Government or any public sector undertaking owned or controlled by the Central Government, he shall also be punished with—

(a) forfeiture of four days salary; and

(b) delay in promotion for a minimum period of one year.

Incentives for voting.

5. Any citizen who inspite of his illness or physical incapacity, exercises his right to vote at an election or any citizen who has exercised his right to vote at all elections held during a period of twenty years preceding the commencement of this Act without any break or who exercises his right to vote at all elections for a period of not less than fifteen years without break after the commencement of this Act, shall be—

(i) given a cash reward of rupees one thousand;

(ii) given preference in jobs in services under the Central Government; and

(iii) given preference in admission to the institutions of higher technical education.

Power to make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is a very sad feature of our democracy that in most of the elections the number of voters who cast their votes is far less than those who are eligible to vote. The average number of votes polled is around fifty per cent. It does not reflect well on the responsibility of the citizens that the fate of the country's democratic institutions is left to be decided by only fifty per cent of the electorate. Since the trend of voting during elections has not so far shown any appreciable increase in the number of voters who exercise their franchise, the time has come to bring forward a legislation making it compulsory for every voter to exercise his right to vote in order to ensure that all the citizens exercise their sovereign right to choose their representatives so that the elections reflect the will of the whole electorate and not merely a part of it.

With a view to increasing the voting percentage, the present Bill proposes to make it compulsory for every eligible voter to vote during elections and provides for exemption only in cases where the voter is physically incapacitated due to illness of serious nature and produce a certificate to this effect from a registered medical practitioner. The Bill also provides for arrangement of mobile booths for those who are unable to go to polling booths due to illness or certain other reasons.

Since casting of vote is being made compulsory, punishment is also sought to be given to those who do not vote at elections. However, cash reward and other incentives are also proposed to be given to those persons who vote at elections inspite of their illness or have been voting in successive elections without any break.

Hence this Bill.

NEW DELHI;
June 30, 2009

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Election Commission shall make arrangements for mobile polling booths for the purpose of casting of votes by those persons who are not in a position to cast their votes at polling booths in each constituency. Clause 5 of the Bill provides for cash reward of rupees one thousand to those persons who inspite of their illness or physical incapacity exercise their right to vote at an election or to those who exercise their right at all elections held during a period of twenty years without any break.

This Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one crore per annum.

A non-recurring expenditure of about rupees one lakh is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill, which will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 75 OF 2009

*A Bill to amend the Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act, 2006.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Act, 2009.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as the principal Act), for clause (o), the following clause shall be substituted, namely:—

Amendment
of section 2.

'(o) "other traditional forest dweller" means any member or community who has for at least one generation prior to the 13th day of December, 2005 primarily resided in

and who has engaged in agriculture on the forest land or who depend on the forests or forest land for *bona fide* livelihood needs but does not include a migrant or refugee from outside India.

Explanation.—For the purpose of this clause, “generation” means a period comprising of twenty-five years;’.

Amendment
of section 6.

3. In section 6 of the principal Act, in sub-section (8), the following proviso shall be inserted, namely:—

“Provided that in case of Sub-Divisional Level and District Level Committees, the provision regarding appointment of Scheduled Tribe members shall not apply, if such members of the Panchayati Raj Institutions at the appropriate level are not available.”

STATEMENT OF OBJECTS AND REASONS

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 was enacted to confer certain rights on persons who are forest dwellers and are traditionally dependent on forests for their *bona fide* livelihood needs.

There are certain forest dwellers who are engaged either in agricultural activities or work as agricultural labourers and remain deprived of the benefits of this Act, since they do not fulfil the criteria provided therein, *i.e.*, having lived in the forest areas for at least three generations or seventy-five years. Such persons need the protection of the Act, as they are very poor and have no other source of livelihood. Therefore, the condition of having lived in the forests should be reduced from seventy-five to twenty-five years. Besides, the protection of the Act should not be available to persons migrating and settling in forests from other countries.

Moreover, there are many places in the country where the persons belonging to Scheduled Tribes are either not living or their proportion in the population is negligible. In such a scenario, it would not be possible to form sub-divisional level Committees as the requisite two persons belonging to Scheduled Tribes would not be available and this may result in administrative problems. Therefore, this provision should not apply to areas where the persons belonging to Scheduled Tribes do not live or where their proportion in the total population is negligible.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 7, 2009.

ANANTKUMAR HEGDE

BILL NO. 76 OF 2009

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2009.

Amendment
of the Seventh
Schedule.

2. In the Seventh Schedule to the Constitution,—

(i) in List II—State List, entry 21 shall be omitted;

(ii) in List III—Concurrent List, after entry 17B, the following new entries shall be inserted, namely:—

“17C. Fisheries.

17D. Protection of marine biodiversity.”.

STATEMENT OF OBJECTS AND REASONS

Fisheries constitute one of the important means of livelihood, especially for those living in coastal regions. In coastal regions, the occupation of fishery besides being a constant source of income of the people of the region, also support their daily meal requirements. But in the present economic scenario, greed has overtaken this sector and with the entry of trading institutions in the sector, the exploitation of fisheries is now going on at an alarming rate. The number of fish available is on the decline. Fish are caught even during breeding season. Some States have banned the operation of trawlers during breeding season, but it is not uniform. Fisheries being in the State List, all the States have different laws on the subject. And, at times these laws are made to cater to the interests of companies operating large trawlers without keeping in mind the overall interests of fisheries. All this may have a bearing not only on our marine resources but also on the right to livelihood of small fishermen. Moreover, the technique employed by large trawlers is not sustainable for maintaining a healthy breeding and catching ratio. It is high time that the country took positive and concrete steps to protect its fisheries and marine resources. Therefore, the Bill seeks to transfer the entry relating to fisheries from the State List to the Concurrent List.

Presently, a number of systems exist for the protection of marine resources and marine environment, but they are not only complex and confusing but are also costly and do not provide a strategic approach to address the issue.

Inserting a new entry in the concurrent list of the Seventh Schedule to our Constitution for the protection of marine biodiversity will go a long way in introducing a new system of marine planning as well as giving the issue the importance it deserves. It will also help bringing about uniformity in legislation regarding the use of fisheries, marine space and the interaction between its uses. Therefore, it is necessary that we have a separate entry for protection of marine biodiversity in our Constitution.

Hence this Bill.

NEW DELHI;
July 7, 2009.

ANANTKUMAR HEGDE

BILL NO. 77 OF 2009

A Bill to provide for the compulsory use of mother tongue in imparting basic and primary education to children in all educational institutions and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixtieth year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Basic and Primary Education (Compulsory Teaching in Mother Tongue) Act, 2009.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires, —

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) “basic education” means education provided in preparatory schools or kindergarten and such other schools by whatever name called;

(c) "educational institution" includes all schools whether run by Government or Government bodies or private institutions, association or trust, whether aided by Government or not, recognized or unrecognized, imparting education to the children from primary level;

(d) "mother tongue" means the language generally spoken in the family of the child who learns it from his mother and other family members and which is one of the languages mentioned in the Eighth Schedule to the Constitution of India;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "primary education" includes education up to the level of middle class or eighth standard.

3. (1) Notwithstanding anything contained in any other law for the time being in force, every educational institution shall impart basic and primary education to the children in their mother tongue or dialect generally spoken in the region or State, as the case may be, where such an institution is located, in addition to Hindi or English language, as the case may be, so as to properly develop the faculties of the children.

Compulsory imparting of basic and primary education in mother tongue of the child.

(2) For the purposes of sub-section (1) the appropriate Government shall appoint language teachers in all Government run or aided schools and shall provide requisite infrastructure for that purpose.

(3) The appropriate Government shall derecognize the educational institutions not complying with the provisions of this Act for such period as it may deem necessary and impose such other sanctions as may be prescribed after giving such institutions a reasonable opportunity to defend their cases.

4. The appropriate Government may either retrospectively from the enactment of this Act or prospectively exempt from the operation of the provisions of this Act, the members of any race, sect or tribe to which it may consider it impossible or inexpedient to apply the provisions of this Act.

Power to exempt.

5. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide requisite funds to the States for appointing language teachers and for providing other infrastructure required for the purposes of this Act.

Central Government to provide funds.

6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty:

Power to remove difficulty.

Provided that no such order shall be made or direction be given after three years of the commencement of this Act.

7. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be made in addition to and not in derogation of any other law for the time being in force.

Act to have overriding effect.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without Prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

For a child, the easiest language to acquire knowledge and understanding of worldly affairs is his mother tongue. He learns to speak his mother tongue from his mother and family members, who generally speak the language spoken from generations or the dialect of their forefathers or of the area or region in which they reside. In major parts of our country, Hindi is the main language with different dialects at different places but it is written in Devanagari script and can be understood easily. Then, there are regional languages. A total of twenty-two languages have been recognized by our Constitution. The mother tongue, no doubt, is the most appropriate language for a child to develop his faculties. However, when a child is admitted in the play school or Kindergarten or primary school, more so in the so called elite or public schools, he has to switch over to English medium, which is the medium of instruction in such schools. At this stage the real difficulty of the child begins. He speaks and understands a particular language, *i.e.*, his mother tongue, but the education is imparted to him in a different language. This causes strain and in order to become a part of the system he starts ignoring his own mother tongue. In the Hindi speaking areas, students of public schools cannot count in Hindi and do not recognize Hindi alphabet because in their school they cannot speak in their language and have to speak only in English. In many schools, students are penalized if they speak in any language other than English. Though the child learns English by compulsion but he is not at ease with this language and on the other hand he does not develop sufficient knowledge of his own language. It is, therefore, necessary that a child should be imparted basic and primary education in his mother tongue, which is the easiest language for him. Thereafter, the child grows up and he can acquire the skills in other languages and opt for the language of his choice for his further studies.

Hence this Bill.

NEW DELHI;
July 10, 2009.

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall appoint language teachers and provide requisite infrastructure for it. The expenditure in respect of schools in Union territories and those funded or aided by the Central Government shall be borne out of the Consolidated Fund of India. Clause 5 of the Bill makes it obligatory for the Central Government to provide requisite funds to the States for carrying out the purposes of this Bill.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore may be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

BILL NO. 78 OF 2009

A Bill to provide for the facilities of telephone and post and telegraph office in all the villages of the country and for matters connected therewith.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Provision of Communication Facilities in Every Village Act, 2009.

(2) It extends to the whole of India.

Definition.

2. In this Act, unless the context otherwise requires, the words and expressions used but not defined in this Act and defined in the Indian Post Office Act, 1898 and the Indian Telegraph Act, 1885 shall have the meanings, respectively, assigned to them in these Acts:

6 of 1898

13 of 1885

3. The Central Government shall provide in every village throughout the country, the following facilities, namely:—

Provision of
Communication
facilities in
villages.

(i) a post and telegraph office; and

(ii) a public telephone connection with STD facility under the control of the head of the Village Panchayat.

4. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In India, about seventy-five per cent. of the people live in villages. There are a number of villages in remote areas inhabited by tribals and backward classes. Even after sixty-two years of our independence, no development work has been done at such places. There are no postal facilities available in these areas. There are no telephones and the villages have virtually no communication links with the rest of the country. It takes months together for a letter to reach in these villages. Most of the villagers come to the cities for work and remain cut-off from their families due to non-availability of modern means of communication in their native villages. The postal, telephone and other communication facilities have thus become necessary for every village. The villagers can deposit their money in saving account of the post offices thereby making available a lot of money to the Government for development works. The introduction of modern means of communication in every village will be the first step towards taking the boon of modern science to the doorsteps of rural India.

Hence this Bill.

NEW DELHI;
July 10, 2009

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that every village shall be provided with the facilities of a post and telegraph office as well as a public telephone connection with STD by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees two hundred crore per annum will be involved as a recurring expenditure out of the Consolidated Fund of India.

A sum of rupees fifty lakh is also likely to be involved as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of detail only. The delegation of legislative power is, therefore, a normal character.

BILL NO. 103 OF 2009

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Constitution (Amendment) Act, 2009.Amendment
of the Eighth
Schedule.**2.** In the Eighth Schedule to the Constitution, entries 3 to 22 shall be re-numbered as entries 4 to 23 and before entry 4 as so re-numbered, the following entry shall be inserted, namely:—

“3. Bhojpuri.”

STATEMENT OF OBJECTS AND REASONS

Bhojpuri language which originated in the Gangetic plains of India is a very old and rich language with its origin in the Sanskrit language. Bhojpuri is the mother tongue of a large number of people in eastern Uttar Pradesh, Western Bihar, Jharkhand and some parts of Madhya Pradesh as well as in several other countries. In Mauritius this language is spoken by a large number of people. It is estimated that around one hundred forty million people speak Bhojpuri. Bhojpuri films are highly popular in the country and abroad and have deep impact on the Hindi film industry.

Bhojpuri language has a rich literature and cultural heritage. The great scholar Mahapandit Rahul Sankrityayan wrote some of his works in Bhojpuri. There have been some other eminent writers of Bhojpuri like Viveki Rai and Bhikhari Thakur, who is known as the Shakespeare of Bhojpuri. Some other eminent writers in Hindi such as Bhartendu Harishchandra, Mahavir Prasad Dwivedi and Munshi Premchand have been deeply influenced by Bhojpuri language. Bhojpuri language and its literature is gaining new heights because of the efforts of various scholars.

Many personalities with Bhojpuri background have achieved highest positions in the country. Various International Conferences have been organized to promote Bhojpuri. At present Indira Gandhi National Open University is planning to start a certificate course in Bhojpuri language. In Uttar Pradesh and Bihar movements have been initiated to give Bhojpuri language its due place.

But it is unfortunate that the "Bhojpuri" language is yet to find a place in the Eighth Schedule to the Constitution.

For the promotion of literacy and the development of this language, it is necessary that this language be included in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;
November 3, 2009.

OM PRAKASH YADAV

BILL NO. 80 OF 2009

A Bill to provide for special financial assistance to the State of Bihar for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Sections of people and for the development, exploitation and proper utilization of its resources.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Special Financial Assistance to the State of Bihar Act, 2009.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Bihar to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Sections of people or for the development, proper utilization and exploitation of the resources in the State.

Special
financial
assistance to
the State of
Bihar.

3. The provisions of this Act shall be in addition to and not in derogation of any other law to be made by Parliament or for the time being in force.

Act not in
derogation of
other laws.

STATEMENT OF OBJECTS AND REASONS

The State of Bihar is socially and economically backward. The low pace of development in the State has resulted in the impoverishment of the State and its people. The development of Bihar is the need not only of that State but of the entire country as a whole.

The development of the State can be ensured only with the active involvement of the Central Government. For this, it is necessary that the Central Government provides special financial assistance to the State for its all round development including the welfare of weaker sections and for the development and exploitation of its vast resources. Such a step would go a long way in building our nation more and more strong.

Hence this Bill.

NEW DELHI;
July 10, 2009

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Bihar to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Bihar. As the sums of moneys which will be given to the State of Bihar as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Government of India are identified, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

BILL NO. 90 OF 2009

A Bill further to amend the Prevention of Insults to National Honour Act, 1971.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Insults to National Honour (Amendment) Act, 2009.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

Insertion of
new section 4

Punishment
for passing
disparaging
and insulting
remarks
against
freedom
fighters.

2. After section 3A of the Prevention of Insults to National Honour Act, 1971, the following section shall be inserted, namely:—

"4. Whoever intentionally passes disparaging and insulting remarks in any public place or public view against any freedom fighter or publishes or causes to be published such remarks in a book or through press or any other media by distorting the real facts, shall be punished with imprisonment for a term which may extend to five years, or with fine, or with both.

Explanation.— For the purpose of this section, the expression "freedom fighter" means any leader or martyr or patriot, who inspired the national struggle for freedom of the country."

STATEMENT OF OBJECTS AND REASONS

Freedom fighters have made a major contribution to the freedom of our country. It was because of their struggle that we are citizens of an independent India today. Disrespectful and highly derogatory comments and false statements are being made about freedom fighters who made supreme sacrifices by putting their lives at stake and inspired the nation to attain freedom.

Some authors are presenting distorted facts about freedom fighters in books brought out by the Government and private publishers. There are many authors who do not have adequate and authentic information about freedom fighters and they write factually incorrect articles on them in private publications. Thus, they are creating confusion by presenting distorted facts about freedom fighters, hurting the feelings of the ordinary citizens of the country and the families of freedom fighters. This causes disrespect and insult not only to the freedom fighters, but also to the nation.

It is, therefore, proposed to amend the Prevention of Insults to National Honour Act, 1971 and extend its scope so that such acts of criticising the freedom fighters may be brought within its purview.

Hence this Bill.

NEW DELHI;
July 20, 2009.

J.P. AGARWAL

BILL NO. 81 OF 2009

*A Bill to provide for a comprehensive policy for the development of
the youth in the country.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Youth Welfare Act, 2009.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'appropriate Government' means in the case of a State, the State Government and in the case of a Union territory, the Union Government;

(b) 'youth' means all persons between fifteen to thirty-two years of age;

(c) 'youth organisation' means an organisation of youth which provides for universal membership, without any discrimination on the basis of race, religion,

language, caste, creed or sex and the Constitution of which provides for its democratic functioning in respective States and Union territories, as the case may be; and

(d) 'prescribed' means prescribed by rules made under this Act.

3. The appropriate Government shall provide to every eligible youth,—

(a) compulsory and free education including technical education;

(b) materials like books, stationery and uniform free of cost;

(c) free hostel facilities;

(d) scholarships to meritorious students;

(e) free transport facilities;

(f) pocket allowance at the rate of rupees two hundred to rupees two hundred fifty per month according to the age of the youth, as may be prescribed;

(g) recreational facilities free of cost; and

(h) free access to all libraries and technical institutions.

Compulsory and free educational facilities.

4. The appropriate Government shall provide,—

(a) training in sports to every eligible youth and facilities for participation in sports activities both inside and outside the country;

(b) representation to youth organisations in sports associations; and

(c) such other facilities, as may be prescribed, for the welfare of youth, who represent the country in sports, throughout his lifetime.

Sports facilities to the youth.

5. The appropriate Government shall provide nutritious meals free of cost to all the students in schools, colleges, universities, hostels and technical institutions.

Provision of nutritious meal in schools, etc.

6. The appropriate Government shall provide medical and health care facilities to the youth free of cost.

Medical and health care facilities to the youth.

7. (1) The appropriate Government shall appoint an Expert Committee consisting of such number of eminent educationists and psychologists, as may be prescribed, in every district; and

Appointment of Expert Committees.

(2) The Expert Committee shall recommend the type of education or training in a vocation to be imparted to a youth of the district after he or she passes the tenth class examination.

8. The appropriate Government shall evolve a scheme under which every eligible youth shall be imparted training in modern apprenticeship trades and vocations.

Training of the youth in trade and vocation.

9. The Central Government shall provide military training to all the able-bodied youth and those who successfully complete the training shall be given preference in employment in defence services.

Military training to the youth.

10. The appropriate Government shall provide—

Provision of employment.

(i) employment to the youth after completion of their education or training; or

(ii) unemployment allowance at such rate, as may be prescribed, till they are provided with gainful employment.

Power to
make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Even after six decades of independence, no clear-cut policy for youth has been laid down in our country so far. The education should be the right of every youth and not a privilege of a few and employment should be guaranteed to them. The youth should be linked directly with the production process. The disparities between the rural and urban youth should be eliminated gradually. The youth today is also facing serious health problems, absolute inadequacy in sports and cultural facilities. A considerable chunk of youth population is still reeling under poverty. A proper policy is required to be evolved for comprehensive development of the youth and proper utilization of their energies and education. A comprehensive youth policy for their all-round development is, therefore, absolutely necessary.

Hence this Bill.

NEW DELHI;
July 20, 2009.

J.P. AGARWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for compulsory and free education and also supply of materials like books, stationery and uniform free of cost and pocket allowance to all the youth. It also provides for free hostel and transport facilities and scholarships to youth. Clause 4 provides for training and participation of youth in sports activities. Clause 5 provides for nutritious diet free of cost to all the students in schools, colleges, universities and hostels. Clause 6 provides for medical and health care facilities to all the youth. Clause 7 provides for appointment of an Expert Committee to recommend the type of education that is to be imparted to the youth. Clause 8 provides for formulation of a scheme under which the youth will be imparted training in modern apprenticeship trades and vocations. Clause 9 provides for military training to able-bodied youth by the Central Government. Clause 10 provides for employment to all the youth after completion of their education, training or vocation or unemployment allowance till they are provided with gainful employment.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of the Union territories. The State Governments will incur the expenditure from their respective Consolidated Funds in respect of their States supplemented by assistance from the Central Government. An annual recurring expenditure of about rupees three hundred crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL NO. 82 OF 2009

A Bill to provide a scheme for eradication of unemployment from the country.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Eradication of Unemployment Act, 2009.

(2) It extends to the whole of India

2. In this Act,—

(a) “Government” means the Central Government; and

(b) “prescribed” means prescribed by rules made under this Act.

Short title
and extent.

Definitions.

3. The Government shall endeavour to provide every citizen, who has attained the age of eighteen years and who is registered with Employment Exchange, with employment suitable to his age, qualification, skill and potential.

4. Till such time as employment is provided to a citizen under section 3, he shall be entitled to unemployment allowance at such rate commensurate with his qualifications and skills, as may be prescribed.

5. An Unemployment Insurance Scheme, with such features, as may be prescribed, shall be framed by the Government so as to provide for a special fund for the grant of unemployment allowance under this Act.

6. A citizen who has registered himself with the Employment Exchange shall be eligible to receive benefit of unemployment allowance under this Act subject to his furnishing an agreement to contribute to the Unemployment Insurance Scheme for a prescribed period immediately after securing employment at such rate, as may be prescribed.

7. (1) The Central Government may, by notification in Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The problem of unemployment has assumed menacing proportions in our country. Even the educated citizens are living in indigent state. Their energy is not being utilized for nation building. Due to desperation and abject poverty, they are choosing the path of violence and crime. Lack of employment opportunities in the country is also leading to brain-drain and exodus of a large number of skilled and unskilled persons abroad. It is time that concerted efforts are made by the Government to assure employment to the citizens of the country and to provide unemployment allowance to those who have not been able to secure employment. It is also necessary to start an Unemployment Insurance Scheme for the purpose, so that the scheme may serve to finance the funds to provide relief to unemployed people.

Hence this Bill.

NEW DELHI;
July 20, 2009.

J.P. AGARWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Government shall endeavour to provide employment to all eligible citizens who have attained the age of eighteen years or above. Clause 4 provides for unemployment allowance to all such unemployed citizens. Clause 5 provides for Unemployment Insurance Scheme to be started by the Central Government.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred fifty crore per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Government to make rules for carrying out the provisions of the Bill. The matters in respect of which such rules may be made would relate to matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself.

The delegation of legislative power is of a normal character.

BILL NO. 83 OF 2009

A Bill to provide for compulsory supply of electricity to katras and densely populated areas located in the metropolitan and other major cities of the country and for matters connected therewith.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Electricity (Compulsory Supply to *Katras* and Densely Populated Areas) Act, 2009.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "*Katras* and densely populated areas" means such residential areas in the metropolitan and other major cities as are so declared by the appropriate Government for the purposes of this Act; and

(c) "prescribed" means prescribed by rules made under this Act.

Supply of
electricity to
katras and
densely
populated
areas.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall ensure that ninety per cent of the total electricity generated under its territorial jurisdiction, including the electricity generated by foreign companies, be earmarked for *katras* and densely populated areas located in the metropolitan and other major cities.

(2) The quantum of electricity to be supplied to the metropolitan and other major cities within the territorial jurisdiction of appropriate Government shall be determined in such manner as may be prescribed:

Provided that in *katras* and densely populated areas, the supply of electricity to the citizens living below poverty line shall be at half of the normal rate for not less than six hours in a day.

Power to
make rules

4. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature.

STATEMENT OF OBJECTS AND REASONS

There is an acute shortage of electricity in *katras* and densely populated areas located in the metropolitan and other major cities of the country. *Katras* are the residential areas located in the old parts of the major cities. The citizens living in *katras* and densely populated areas have to face a lot of difficulties due to shortage of electricity. During summer, the situation becomes the worst. Due to non-availability of open spaces and parks near these *katras* and densely populated areas, the citizens living there feel suffocated during failure of power.

It is very well accepted that electricity is one of the basic needs of human beings. Therefore, denying the people of their essential requirement of power cannot be justified on any ground. Power outage for hours together, particularly during summer months, makes the life of the people living in *katras* and other densely populated areas quite miserable.

It is, therefore, proposed to make the supply of electricity compulsory in the *katras* and densely populated areas located in the metropolitan and other major cities of the country.

Hence this Bill.

NEW DELHI;
July 20, 2009.

J.P. AGARWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall supply electricity to the citizens living below poverty line in the *katras* and densely populated areas for six hours a day at half of the normal rate. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees nine crore will be involved.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 84 OF 2009

A Bill to make provisions for the welfare of insurance agents and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Insurance Agents Welfare Act, 2009.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(i) "Fund" means the Insurance Agents Welfare Fund constituted under section 3 of this Act; and

(ii) the expression "Insurance Agent" shall have the same meaning as is assigned to it in the Insurance Act, 1938; and

(iii) "prescribed" means prescribed by rules made under this Act.

Short title,
extent and
commencement.

Definitions.

Insurance
Agents
Welfare Fund

3. (1) The Central Government shall set up a Fund to be known as the Insurance Agents Welfare Fund.

(2) The Fund shall consist of contributions from Central Government, the insurance companies and the insurance agents in such ratio as may be prescribed.

(3) The Fund shall be administered by a Board, consisting of—

(a) the union finance minister, who shall be its ex-officio Chairperson;

(b) two members who shall be representatives of the Insurance Regulatory and Development Authority; and

(c) two members representing the insurance agents who shall be nominated by the Central Government in such manner as may be prescribed.

(4) The salary and allowances payable to, and other terms and conditions of service of the members of the Board shall be such as may be prescribed.

Utilisation of
the Fund.

4. The Fund shall be utilized for the following purposes:—

(i) payment of adequate compensation to the next of kin of insurance agents in case of death in harness;

(ii) payment of old age pension at such rate, as may be prescribed, to insurance agent after he has attained the age of sixty-five years;

(iii) payment of family pension at such rate, as may be prescribed, to the dependents of the deceased insurance agents;

(iv) payment of premium for medical insurance of the insurance agents and their families; and

(v) such other purposes as the Board may deem necessary for the welfare of insurance agents.

Power to
make rules.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The insurance agents play a major role in procuring business and in the growth of the insurance sector. More than a million people are engaged as insurance agents in the public sector Life Insurance Corporation alone. Majority of them have opted for this profession as a full time job. The work requires a lot of time, energy and dedication. The competition amongst insurance companies for business has tremendously increased after the opening up of this sector to private players at national level and by permitting foreign direct investment.

It is estimated that seventy five per cent. of the insurance agents earn less than rupees sixty thousand per annum which is not sufficient to meet even minimum requirements of a family. Their contribution to insurance sector is immense in creating assets and increasing profit of the companies, at the same time providing benefits of insurance to the general public. Due to absence of any welfare scheme aimed at providing the insurance agents the necessary social security, they live in pathetic conditions. A portion of profit earned by the insurance companies through hard work of such agents needs to be devoted for the welfare of insurance agents and their families. It is the responsibility of the Government in a welfare state to provide proper medical care, old age pension, family pension, etc. to every citizen of the country. Therefore, a suitable legislation is urgently required to provide for general welfare of persons working as agents in the insurance sector.

Hence this Bill.

NEW DELHI;
July 21, 2009.

BASUDEB ACHARIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Fund to be known as the Insurance Agents Welfare Fund and for the constitution of a Board to administer the Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 91 OF 2009

A Bill to provide for special financial assistance to the State of Jharkhand for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Sections of people and for the development, exploitation and proper utilization of its resources.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the State of Jharkhand Act, 2009. Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Special
financial
assistance to
the State of
Jharkhand.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Jharkhand to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Sections of people or for the development, proper utilization and exploitation of the resources in the State.

Act not in
derogation of
any other law.

3. The provisions of this Act shall be in addition to and not in derogation of any other law to be made by Parliament or for the time being in force.

STATEMENT OF OBJECTS AND REASONS

The State of Jharkhand is socially and economically backward. The problems of poverty, unemployment and illiteracy are required to be addressed urgently and in a time-bound manner. Measures for proper utilization of resources, welfare of weaker sections in the region and initiating new development schemes are also required to be undertaken in an expeditious and time-bound manner. The State of Jharkhand has also been facing the problem of naxalite violence for a number of years. In view of its economic backwardness, the naxalites have found sympathetic elements within the population. Therefore, economic backwardness is the root cause of the naxalite problem. It is, therefore, necessary that the Central Government should provide special financial assistance to the State of Jharkhand for its all-round development including the welfare of weaker sections and for the development and exploitation of its vast natural resources which include coal, iron ore, manganese, and strategically important resources such as uranium. Such a step of providing financial assistance to this newly formed State would go a long way in building this nation more and more strong.

Hence this Bill.

NEW DELHI;
July 28, 2009.

INDER SINGH NAMDHARI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Jharkhand to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Jharkhand. As the sums of moneys which will be given to the State of Jharkhand as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Government of India are identified, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

BILL NO. 85 OF 2009

A Bill further to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Forest (Conservation) Amendment Act, 2009.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new sections
3C and 3D.

2. After section 3B of the Forest (Conservation) Act, 1980, the following sections shall be inserted, namely:—

Protection of
rights of
inhabitants of
hill areas over
forests.

"3C. (1) Nothing in this Act or in any other law, for the time being in force, in any part or whole of the territory of India shall be deemed to prohibit the inhabitants of hill areas, living in the vicinity of reserved forests or protected forests or in the vicinity of any other forest land, by whatever name called, from felling, cutting, sawing off or removing trees including green trees or from taking timber and fodder or fetching water or using any other forest produce or from grazing rights or from stripping the bark or leaves from any tree or from quarrying of stones or from any other right or

concession which they had been traditionally enjoying or which is recognised and settled as a right by the State Government, in such forest or forest land for their own *bonafide* use for the purpose of collecting fuel or for agriculture or for other domestic and non-commercial purposes.

(2) For the purposes of sub-section (1), the State Government shall grant licenses to the *bonafide* users in such form and manner as it may, by notification in the Official Gazette, specify.

(3) Nothing in this section shall prohibit the State from imposing such conditions or making such regulations, including quantities of forest produce which the *bonafide* users may be entitled to, as are necessary, for conservation and development of forests for public good.

(4) The provisions of this section shall have effect notwithstanding any judgment or order or decree of any court or tribunal or any authority contrary to the provisions of this section.

3D. (1) Notwithstanding anything contained in sections 2 and 3, the approval of the Central Government shall not be required for deforestation in the following cases, namely:—

Approval of Central Government not required for deforestation in certain cases.

(i) any work relating to building new houses for tribal and non-tribal families living in the vicinity of forest land;

(ii) construction of,—

(a) roads or helipads or ropeways to give connectivity to important places;

(b) primary health centres;

(c) anganwadis; and

(d) water tanks;

(iii) laying of,—

(a) pipelines for sewer/drinking water connections; and

(b) telecommunication lines;

(iv) erection of electric poles for transmission and distribution of electricity for exclusive benefits to tribal and non-tribal settlements in the vicinity of forests;

(v) any work relating or ancillary to mining; and

(vi) any other development work to be carried out under any developmental scheme launched by the Central Government or State Government, as the case may be.

(2) Every State Government shall forward a list of all cases of deforestation under sub-section (1) to the Union Ministry of Environment and Forests.

(3) If the Central Government, on the basis of information received under sub-section (2) or otherwise, is satisfied that due to development works specified in sub-section (1), the forest cover in a State has depleted more than ten per cent. during any previous year and that the State Government has not undertaken any effective steps to maintain the forest cover, it may, by notification, suspend the application of the provisions of this Act, in relation to that State till such time as it may deem necessary."

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980 was enacted with a view to checking increasing deforestation and consequent degradation of environment. The Act made prior approval of the Central Government obligatory for de-reservation of reserved forests and also for use of forest lands for non-forest purposes. Though no one disputes the purpose for which the Act was enacted yet, it cannot be denied that the forests are inseparably linked with day to day life of the hill people. People of the hill regions of Uttarakhand enjoyed the right to graze cattle, take fuel wood, grass, stones, etc. from the reserved forests for their *bonafide* use. Repeated attempts were made to curtail the rights of hills people from time to time. In the past, there was a Forest Grievance Committee appointed by the British Government which submitted its report in 1921. Thereafter, a report submitted by Mr. V.A. Stowell, I.C.S. on land management system, which is accepted as law, recognised all the aforesaid traditional rights of the hill people. However, by an order dated 12 December 1996, the Supreme Court directed that in hill areas, felling of trees will not be permitted in any forest, whether public or private. However, this ban was not to apply to permits granted to right holders for their *bonafide* personal use in Himachal Pradesh.

In the hill regions of Uttarakhand, approximately 40 thousand cu. mt. of timber per year was granted to the people as rights and concessions of forest produce at the time of settlement under the Indian Forests Act. Depriving people of hill regions of their customary rights as recognised by the Government has created hardships and discontent amongst them. There is no fuel wood available in cremation grounds and for other *bonafide* customary uses of the people of hill regions of Uttarakhand.

Similarly, tribal and non-tribal people living in the vicinity of the forest land are facing problems in construction of their new houses, anganwadi centres, public health centres in and around their settlements. There is no provision in the Act to provide relaxation for utility services like construction of public roads, laying sewer lines, building water tanks, erecting electric poles for transmission and distribution of electricity supply and laying telephone lines, etc.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recently enacted by Parliament, recognizes and confers certain rights on Scheduled tribes and other traditional forest dwellers. However, these rights can be enjoyed only by those other traditional forest dwellers who have at least for three generations (*i.e.* seventy-five years in all) prior to 13 December 2005 primarily resided in and who depend on the forest lands for their *bonafide* livelihood needs. This Act, therefore, does not adequately address the problems of the people of hill regions of Uttarakhand. Even after the enactment of this Act, the people of hill regions are not able to enjoy their customary rights for their *bonafide* use.

Further, development works like building new houses, roads, helipads, ropeways primary health centres, water tanks, etc. still require approval of the Central Government. This results in avoidable delay in the delivery of services to the people living in these areas. This Act, therefore, does not adequately address the problems of the people living in the vicinity of forest lands and especially of hilly regions of Uttarakhand.

People living in the vicinity of forest lands have not seen any developmental work in their area as the existing Forest (Conservation) Act, 1980 provides for a cumbersome procedure to be followed for approval of any project for development of basic amenities in the area. It is necessary to serve the interests of the tribals and other non-tribal people living in the vicinity of forest lands by amending the existing Forest (Conservation) Act, 1980 with a view to facilitate carrying out of necessary construction and other development related works to meet the demands of their growing population for housing, health centres, etc. in the vicinity of their existing settlements.

The proposed Bill is, therefore, an attempt towards restoring such customary rights as are enjoyed by the people of hill regions with forests, while, at the same time, allowing the State Government to regulate such rights for the conservation of forests and also to enable them to implement the schemes aimed at the overall development of hilly regions.

NEW DELHI;
July 30, 2009.

SATPAL MAHARAJ

BILL NO. 92 OF 2009

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 2009.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new article
371J.

2. After article 371-I of the Constitution, the following article shall be inserted, namely:—

Special
provisions
with respect to
the State of
Jharkhand.

"371J. (1) Notwithstanding anything contained in clause (3) of article 170 or in any other law for the time being in force, until the readjustment under article 170 takes effect on the basis of the first census taken after the year 2026, the total number of seats in the Legislative Assembly of the State of Jharkhand shall consist of not less

than one hundred and fifty members chosen by direct election from territorial constituencies in that State.

(2) The total number of seats in the Legislative Assembly of the State of Jharkhand and the division of the State into territorial constituencies under clause (1) shall be readjusted by such authority and in such manner as the Parliament may, by law, determine:

Provided that such division of the State of Jharkhand into territorial constituencies shall take effect from such date as the President may, by order, specify and until such division of territorial constituencies takes effect, any election to the Legislative Assembly of the State of Jharkhand may be held on the basis of territorial constituencies existing before such division."

STATEMENT OF OBJECTS AND REASONS

The State of Jharkhand was created in the year 2000 by carving out certain territories from the State of Bihar after a long and peaceful agitation by the people of that State. At the time of creation of the new State, the Legislative Assembly of the State of Bihar had three hundred and twenty-four members. Consequent to the formation of the State of Jharkhand, the new State Legislative Assembly was allotted eighty-one seats. The State of Bihar also had a Second Chamber, that is, the Legislative Council. However, at the time of creation of new State, the State of Jharkhand was not compensated for the loss of Council seats. It would have been appropriate if the number of seats in the new Legislative Assembly were increased at that time itself. Similar exercise was undertaken at the time of creation of Uttarakhand by carving out territories from the State of Uttar Pradesh. In lieu of seats of the Legislative Council, the new State Assembly was given additional seats, even though the population of Uttarakhand is far less than that of Jharkhand.

Moreover, the population of Jharkhand is approximately three crores. Therefore, it would only be fair to increase the number of seats in Legislative Assembly, as it would enable the Legislators to perform their duties in their constituencies in a more satisfactory manner.

Even though the number of constituencies has been frozen till the year 2026 by the Constitution, the State of Jharkhand may be made an exception since it is a very important State and is the source of mineral wealth in the country. The development of the State is of paramount importance. If this Constitution (Amendment) Bill is enacted, it will pave the way for the development of the State and the strengthening of its democratic institutions.

Hence this Bill.

NEW DELHI;
July 31, 2009.

INDER SINGH NAMDIARI

BILL NO. 86 OF 2009

A Bill further to amend the Payment of Gratuity Act, 1972.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Gratuity (Amendment) Act, 2009.

Short title and
commence-
ment.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

39 of 1972.

2. In section 4 of the Payment of Gratuity Act, 1972,—

Amendment
of section 4.

(i) in sub-section (1),—

(a) for the words "five years", the words "three years" shall be substituted;

(b) in the first proviso, for the words "five years", the words "three years" shall be substituted;

(ii) in sub-section (2),—

(a) for the words "fifteen days", the words "thirty days" shall be substituted;

(b) the *Explanation* shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Payment of Gratuity Act, 1972 provides for payment of gratuity to employees engaged in factories, mines, oilfields, plantations, ports, railway companies, shops or other establishments and for matters connected therewith or incidental thereto.

Section 4 of the said Act *inter alia* provides that the gratuity shall be payable to an employee who has rendered continuous service for not less than five years on his superannuation or retirement or resignation. The completion of continuous service of five years shall not be necessary where the termination of the employment of any employee is due to death or disablement. In view of the present economic scenario in our country, an employee has the opportunity to switch over to other job for getting more monetary and other benefits rather than to stay in any particular job for five years. Employees are also sometimes unable to continue in their jobs for five years in an industry due to impact of global recession. So, reducing the duration of continuous service from five years to three years for grant of gratuity shall benefit the employees covered by the said Act.

At present, the amount of gratuity for every completed year of service is at the rate of fifteen days' wages based on the rate of wages last drawn by an employee. Employees shall get more amount for their welfare and to meet their future liabilities, if the calculation of gratuity amount is increased to thirty days' wages from the present fifteen days' wages for every completed year of service.

The Bill seeks to achieve the above objectives.

NEW DELHI;
August 6, 2009

P. T. THOMAS

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the gratuity shall be payable to an employee on the termination of his employment after he has rendered continuous service for not less than three years and that the amount of gratuity payable to an employee for every completed year of service shall be at the rate of thirty days' wages based on the rate of wages last drawn by the employee.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India in respect of establishments aided by or under the control of Central Government. It is likely to involve an annual recurring expenditure of rupees 10 crore from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

BILL NO. 94 OF 2009

A Bill to provide for compulsory harvesting of rainwater by every household, business establishment and Government building in order to ensure availability of water and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Rainwater (Compulsory Harvesting) Act, 2009.

(2) It extends to the Union territories only.

Declaration.

2. It is hereby declared that it is expedient in public interest that the Union Government undertake measures to preserve and harvest rainwater in the country for augmenting drinking water availability in the country.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) "business establishment" includes any building which is used as an office or a factory in connection with any trade or business;

(b) "Government" means the Central Government or the Union territory Administration, as the case may be;

(c) "Government building" includes the offices of the Ministries, departments, public sector enterprises, statutory bodies or bodies owned or administered by the Government and autonomous bodies, local self Government bodies and residential areas of Government employees provided by the Government;

(d) "household" means a dwelling unit of any description; and

(e) "prescribed" means prescribed by rules made under this Act.

4. It shall be the duty of the Government to ensure provision of necessary infrastructure and implement such measures, as it may deem necessary, to harvest rainwater in Government buildings within such time as may be prescribed.

Compulsory rainwater harvesting in Government buildings.

5. (1) Every household and business establishment shall adopt such measures, as may be notified by the Government, for rooftop rainwater harvesting within such time, as may be specified in the notification.

Compulsory rainwater harvesting by households and business establishments.

(2) The responsibility to ensure compliance of the provisions of sub-section (1) shall lie, in the case of a household, on the head or karta of that household, and in the case of a business establishment, on the person, by whatever name called, who is primarily responsible for the affairs of that establishment.

6. It shall be the duty of the Government to ensure construction and repair of conventional water bodies such as wells, tanks, ponds, creeks and watersheds to preserve the rainwater so as to recharge the levels of ground water.

Duty of Government to project water bodies.

7. (1) The Government shall, as soon as possible, prepare an action plan to educate the masses about the technology and the benefits of rooftop rainwater harvesting.

Action plan to educate the masses about rainwater harvesting.

(2) For the purpose of sub-section (1), the Government shall also associate Non-Governmental Organisations and such other agencies or institutions, as it may deem fit, in such manner as may be prescribed.

8. Any person violating the provisions of this Act, shall be punished with simple imprisonment for a term which may extend to one year or with a fine which may extend to rupees one lakh or with both.

Punishment.

9. The provisions of this Act and rules made thereunder, shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

10. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

Act not in derogation of other laws.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is estimated that our country receives rainfall of about four thousand billion cubic metres every year and major part of this rainwater goes waste as it falls into the sea through the rivers of our country. This huge wastage of rainwater is taking place inspite of the fact that there is severe shortage of drinking water throughout the country. Water is a scarce resource and its availability for drinking and other household purposes in the country as a whole is hardly as per requirement—more so in the desert and the drought prone areas. The only way to overcome this problem is to prevent the wastage of rainwater by conserving it through harvesting and recharging the ground water levels.

Identification of the areas not receiving normal rainfall with the help of reconnaissance of each and every hamlet of the country, for success of this programme is the need of the hour. The private sector as well as the non-governmental organisations have to play a major role in physical and financial terms, in order to achieve the goal of rainwater harvesting. To save the planet earth, we have to make rooftop rainwater harvesting a movement of the masses, in which, the Government, corporates and every household would participate and preserve the rainwater which is the purest form of water. This will increase the level of ground water which can be used for drinking and other purposes. Hence, it has become necessary to make rooftop rainwater harvesting mandatory throughout the country to overcome the water scarcity which otherwise will worsen further in near future if we do not act now.

As water is a State subject initiative has to come from State Governments. But in the first instance the initiative has to come from the Central Government by making rainwater harvesting compulsory in the areas governed by it. The States can follow the Central Government and make it compulsory in the States.

Hence this Bill.

NEW DELHI;
August 6, 2009

ARJUN MEGHWAL

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for creating infrastructure for compulsory rainwater harvesting in Government buildings. Clause 6 provides that the Central Government shall ensure construction and repair of water bodies to preserve rainwater. Clause 7 provides that the Central Government shall prepare an action plan to educate the masses about the technology and the benefits of rooftop rainwater harvesting and associate non-governmental organisations and private sector for the purpose. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees five thousand crore is also likely to be incurred from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 93 OF 2009

A Bill to provide for special financial assistance to the State of Rajasthan for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Sections of people and for the development, exploitation and proper utilization of its resources.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Special Financial Assistance to the State of Rajasthan Act, 2009.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Rajasthan to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Sections of people or for the development, proper utilization and exploitation of the resources in the State.

Special
financial
assistance to
the State of
Rajasthan.

3. The provisions of this Act shall be in addition to and not in derogation of any other law to be made by Parliament or for the time being in force.

Act not in
derogation of
other law.

STATEMENT OF OBJECTS AND REASONS

The State of Rajasthan is socially and economically backward. Problems of poverty, unemployment, illiteracy as well as measures for proper utilization of resources, welfare of weaker sections in the region are required to be addressed urgently by initiating new development schemes in a time-bound manner. Being a border State, Rajasthan is strategically located and it is in the nation's interest that its development needs are addressed. It is, therefore, necessary that the Central Government should provide special financial assistance to the State of Rajasthan for its all-round development including the welfare of weaker sections and for the development and exploitation of its vast resources. Such a step of providing financial assistance to this State would go a long way in building this nation more and more strong.

Hence this Bill.

NEW DELHI;
August 6, 2009

ARJUN MEGHWAL

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Rajasthan to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Rajasthan. As the sums of moneys which will be given to the State of Rajasthan as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Government of India are identified, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

BILL No. 87 OF 2009

A Bill to provide for regularisation and universalisation of Integrated Child Development Services in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Integrated Child Development Services (Regularisation) Act, 2009.

Short title,
extent and
commencement.

(2) It shall extend to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "anganwadi centre" means a centre which shall be used for providing integrated child development services by the appropriate government and includes all the existing centres being used for providing integrated child development services in the country;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government; and

(c) "prescribed" means prescribed by rules made under this Act.

Regularisation and institutionalization of Integrated Child Development Services

3. On and from such date as the Central Government may, by notification in the Official Gazette appoint, the existing Integrated Child Development Services for overall development of children shall be deemed to be regularised and institutionalized under this Act in such manner as may be prescribed.

Setting up of adequate number of anganwadi centres.

4. (1) The appropriate Government shall establish adequate number of anganwadi centres in every settlement or village throughout the country.

(2) The appropriate Government shall make available land, building infrastructure and all basic facilities including nutritious meal, educational games, toys, stationery items, learning and writing material, television sets, computers and such material as required for the overall development of children and facility of pre-natal and post-natal care to infants and mothers at every anganwadi centre.

(3) The appropriate Government shall regulate the functioning of anganwadi centres, in such manner and through such bodies of local self government, as may be prescribed.

Redesignation of anganwadi workers and helpers.

5. The 'anganwadi workers' and 'helpers' working in the existing anganwadi centres shall hereinafter be known as 'anganwadi teachers' and 'anganwadi assistants', respectively.

Setting up of National Committee.

6. (1) The Central Government shall set up a Committee to be known as the National Committee for the welfare of persons working in anganwadi centres in such manner as may be prescribed.

(2) The National Committee shall perform the following functions, namely:—

(i) suggest measures to streamline the functioning of existing anganwadi centres;

(ii) identify areas where cases of malnutrition of children are reported and recommend opening up of Anganwadi Centres in such areas;

(iii) monitor the functioning of anganwadi centres;

(iv) conduct foundation training course for Anganwadi teachers and assistants;

(v) fix working hours for Anganwadi teachers and assistants;

(vi) prescribe the educational qualification and other criteria for recruiting the persons as Anganwadi teachers and assistants;

(vii) recommend salary, allowances, over-time, honorarium, leave, provident fund and other benefits, including maternity benefits, for employees of Anganwadi Centres from time to time;

(viii) provide free health care to Anganwadi teachers and assistants and their minor children;

(ix) provide insurance cover to Anganwadi teachers and assistants; and

(x) suggest any other measures for overall development of children and efficient functioning of Anganwadi Centres.

7. The Central Government shall, after due appropriation by Parliament, release the necessary funds to the National Committee for effective implementation of the Act.

Release of funds.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order publish in the Official Gazette, make such provision, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing such difficulty.

Power to remove difficulties.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The rights of women and children and their aspirations are of paramount importance in our march towards an inclusive and equitable society. Keeping in view the constitutional provisions and in order to give greater focus to issues relating to women and children, it is necessary to invest more in the programmes meant for eradication of malnutrition and expansion of anganwadis. It is a fact that the Integrated Child Development Services (ICDS) has grown by leaps and bounds with a wide range of activities being brought within its ambit and consequent expansion of the area of work of Anganwadi workers and helpers and increasing their working hours. There is no justification for their being treated as social and honorary workers with the paltry amount doled out to them as honorarium, especially when they have put in long years of service and the success of the scheme, which has been lauded by various agencies, is due to the hard work of the Anganwadi workers and helpers. These Anganwadi workers are working in close relationship with the people and their services are being utilized by the respective State Governments for a whole range of activities—be it survey, promotion of small saving schemes, group insurance or non-formal education. Despite this, their demand for seeking regularization and institutionalization of services is being brushed aside. Therefore, in recognition of their services, they need a better lot and improvement in their service conditions and remunerations. There is also need of an effective system of supervision of Anganwadi Centres.

In view of the above, the Bill seeks to provide for universalisation, regularization and institutionalization of Integrated Child Development Services for all-round development of children and expansion of Anganwadi Centres for effective implementation of the scheme.

Hence this Bill.

NEW DELHI;
August 6, 2009

ARJUN MEGHWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for regularisation and institutionalization of the Integrated Child Development Services by the Central Government. Clause 4 provides for setting up of adequate number of Anganwadi Centres with basic facilities in every settlement. Clause 6 provides for setting up of a National Committee for the welfare of persons working in Anganwadi Centres. Clause 7 provides that the Central Government shall release necessary funds to the National Committee for effective implementation of this Bill. The State Governments will incur expenditure in respect of their States out of their respective Consolidated Funds for implementing the provisions of this Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten thousand crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 88 OF 2009

A Bill to provide for the fixation of wages of domestic workers and for the improvement of their working conditions and for matters connected therewith.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title,
extent,
commencement
and
application.

1. (1) This Act may be called the Domestic Workers (Conditions of Service) Act, 2009.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall apply to every individual employing one or more workers for domestic work in his house.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "domestic work" includes cooking, house-cleaning and attending to all other odd jobs connected with other household chores;

(b) "Government" means the Central Government; and

(c) "worker" means any person employed for domestic work.

14 of 1947

3. (1) The provisions of the Industrial Disputes Act, 1947, as in force for the time being, shall, so far as applicable and subject to the modification specified in sub-section (2), apply to, or in relation to workers as they apply to, or in relation to workmen within the meaning of that Act.

Application of the provisions of the Industrial Disputes Act, 1947.

(2) Section 25F of the aforesaid Act, in its application to workers shall be construed as if in clause (a) thereof, for period of notice referred to therein in relation to the retrenchment of a workman, the following periods of notice in relation to the retrenchment of a worker had been substituted, namely:—

(a) three months in case of workers who have been in continuous service for a period of not less than two years; and

(b) two months in case of other workers.

4. Where any worker has been in continuous service, whether before or after the commencement of this Act, for not less than one year, and—

Payment of gratuity to workers.

(i) his services are terminated by the employer for any reason whatsoever, or

(ii) he voluntarily resigns from service, or

(iii) he dies while in service,

the worker or, in the case of his death, his nominee or if there is no nomination in force at the time of the death of the worker, his heirs, as the case may be, shall without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947, be paid, on such termination, resignation or death, by the employer gratuity which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months.

14 of 1947

5. (1) The Government may, in consultation with the representatives of the workers from amongst the Unions or Associations of the Workers, by order,—

Fixation of wages by the Government.

(a) fix rates of wages in respect of workers; and

(b) revise, from time to time, at such intervals as it may think fit, the rates of wages fixed under this section.

(2) The rates of wages may be fixed or revised by the Government in respect of workers working on time work basis or on piece work basis.

6. Every worker shall be entitled to be paid by his employer wages at the rates which shall in no case be less than the rate of wages specified in the order referred to in section 5.

Right to wages.

7. No worker shall be required or allowed to work for more than eight hours during the day exclusive of the time for meals and leisure.

Hours of work.

8. Every worker shall be allowed during a period of seven consecutive days, a rest for a period of not less than twenty-four consecutive hours.

Period of rest.

9. Every worker, who has put in a service for a period of not less than six month, shall be entitled every year to the following leave, namely:—

Leave entitlement.

Casual Leave — 12 days;

Sick Leave — 21 days;

Earned Leave — 1/11th of the number of days spent on duty.

Maintenance
of Registers
and records.

10. Every employer of domestic workers shall prepare and maintain such registers, records and muster-rolls in such manner, as may be prescribed.

Appointment
of Inspectors.

11. (1) The State Governments or the Union territory Administrations, as the case may be, may, by notification in the Official Gazette, appoint such persons as they think fit to be Inspectors for the purpose of this Act and may define the local limits within which they shall exercise their powers.

(2) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.

45 of 1860

Powers of
Inspectors.

12. An Inspector may,—

(a) require any person to produce any register, muster-roll or other documents relating to the employment of workers by him and examine such documents:

(b) take, on the spot or otherwise, the evidence of any person for the purpose of ascertaining whether the provisions of this Act or any other Act made applicable to the domestic workers are complied with notwithstanding any other authority who may be empowered with same powers or any part thereof.

Punishment.

13. If any employer contravenes the provisions of this Act, he shall be punished with fine which may extend to one thousand rupees notwithstanding any other punishment to which he may be liable for the contravention of any other law for the time being in force governing the domestic workers.

Power to make
rules.

14. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are millions of domestic servants working as maid-servants or male-servants to attend to household and other personal work. The working conditions of these domestic servants are miserable and primitive. There is no protection for these workers under any statute. They are neither paid reasonable wages nor their hours of service determined. They are required to work for almost eighteen hours a day without any rest or leisure. These workers are not entitled to any benefits such as gratuity, provident fund, bonus, leave with wages, holidays, etc. Their services can also be terminated at any time without prior notice and compensation by their masters.

The domestic servants have been agitating for better service conditions throughout the country. It is, therefore, essential to regulate their service conditions.

Hence this Bill.

NEW DELHI;
August 6, 2009.

ARJUN MEGHWAL

FINANCIAL MEMORANDUM

Clause 11 of the Bill provides that the State Governments or the Union territory Administrations, as the case may be, may appoint such persons as they think fit to be Inspectors for the purposes of this Act. The State Governments will incur expenditure from their respective Consolidated Funds for payment of salaries and allowances, etc. to the Inspectors. However, the Central Government would have to incur expenditure in respect of Inspectors appointed by the Union territory Administrations from the Consolidated Fund of India.

It is estimated that a recurring expenditure of about rupees fifty lakh is likely to be involved from the Consolidated Fund of India per annum.

It is also likely to involve a non-recurring expenditure of about rupees one crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 104 OF 2009

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called Constitution (Amendment) Act, 2009.

Insertion of
new article
275A.

2. After article 275 of the Constitution, the following article shall be inserted, namely:—

Grants from
the Union to
the State of
Bihar.

“275A. Notwithstanding anything in article 275 of the Constitution, there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of the State of Bihar such capital and recurring sums as may be necessary to enable the State to meet the costs of implementation of schemes for accelerated development of the State including development of infrastructure, generation of adequate employment opportunities and for undertaking relief and rehabilitation measures in the flood and drought prone areas:

Provided that there shall be paid out of the Consolidated Fund of India a sum of rupees ninety thousand crore as one time grants-in-aid of the revenues of the State of Bihar and a sum of rupees thirty thousand crore every year to that State:

Provided further that such grants-in-aid shall be in addition to the annual allocation made by the Finance Commission to the State of Bihar and such other financial assistance as may be provided by the Government of India to that State:

Provided also that the grants-in-aid referred to in this article may be reviewed by the Government of India on the expiration of a period of five years from the commencement of this Act.”.

3. After article 371-I of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
371J.

“371J. Notwithstanding anything in this Constitution, the President may by order made with respect to the State of Bihar, having regard to the requirements of the State as a whole for development, poverty alleviation, employment opportunities and other welfare measures for the people of the State, provide for:—

Special
provision
with respect
to the State
of Bihar.

(a) implementation of long term schemes for accelerated development of the State;

(b) an integrated scheme for flood control particularly in respect of rivers originating in the neighbouring countries;

(c) an integrated scheme for drinking water supply and irrigation in the drought prone areas of the State;

(d) long term schemes for the development of infrastructure such as roads, highways, electricity, industries, sanitation, healthcare and such other projects; and

(e) adequate facilities for technical education, vocational training, equitable opportunities for employment in services under the control of the Government and in private sector.”.

STATEMENT OF OBJECTS AND REASONS

Bihar is strategically one of the most important States of the Indian Union, but unfortunately stricken with acute backwardness. Its underdevelopment and educational and social backwardness is mainly due to the consistent neglect by the Central Government and absence of good governance. Mother nature has also not been kind to this State, as half of the State is drought prone, while the other half is prone to floods. Bihar faces the fury of floods every year mainly from the rivers originating in the neighbouring country of Nepal. The State is inhabited by tribals, dalits and other socially and economically backward people and is facing numerous problems such as widespread unemployment and lack of industrial development due to very poor infrastructure. There has also been unprecedented rise in cases of various diseases mainly vector-borne diseases like malaria, filaria, kala azar, dengue, encephalitis, and other diseases like water-borne diseases, cancer, AIDS, heart ailments, etc. The road network of the State is in shambles and educational facilities are in a very poor shape particularly technical, medical and vocational education. Investment in the State, be it domestic investment or FDI, is dismal. There is no adequate infrastructure like power, irrigation, roads, railways, communication, etc., in the absence of which it is not possible to accelerate the growth and development of the State at the desired levels.

In the year 2008, the flood waters of the river Kosi originating in Nepal devastated a major part of the State as it breached its embankments displacing millions of people. Most of these displaced people are yet to be rehabilitated. Though the State Government is doing its level best to rehabilitate these displaced people and also to bring about overall development of the State, but this is not possible without the active support of the Centre as the State will require huge Central assistance. Therefore, rupees ninety thousand crore as grants-in-aid and additional rupees thirty thousand crore annually needs to be allocated to the State of Bihar for its overall development.

For this purpose new provisions are to be inserted in the Constitution to enable the Centre to release the required funds to the State.

Hence this Bill.

NEW DELHI;
November 3, 2009.

RANJAN PRASAD YADAV

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for grant-in-aid of the revenues of the State of Bihar for development activities. It also provides for one time grant-in-aid to the tune of rupees ninety thousand crore and rupees thirty thousand crore as recurring annual expenditure. Clause 3 provides for special provisions for the development of the State of Bihar. The Bill, therefore, if enacted, will involve a recurring expenditure of rupees thirty thousand crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees ninety thousand crore is also likely to be involved.

BILL NO. 95 OF 2009

A Bill to provide for the welfare of children and for matters connected therewith.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Welfare Act, 2009.

Short title and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires, 'Child' means a person who has not completed the age of fifteen years.

Definition.

3. Notwithstanding anything contained in any other law for the time being in force, no child shall be employed by any person for any work in any manner.

Prohibition of
child
employment.

4. (1) The Central Government shall establish adequate number of juvenile homes with all basic amenities for the welfare of children in every district of the country.

Establishment
of juvenile
homes.

(2) Any child who is abandoned, orphan, destitute, neglected or engaged in any job, occupation or begging shall be admitted to the juvenile homes set up under sub-section (1).

Facilities to be provided to the children in juvenile homes.

5. Every child who is admitted into the juvenile home shall be entitled to the following facilities free of cost,—

- (a) accommodation, food and clothing;
- (b) education including higher and technical education;
- (c) medical assistance; and
- (d) any other facility which is necessary for the all-round development of the child.

Provision for reservation in posts and services under Central Government.

6. The Central Government shall make provisions for reservation in posts and services under its control for children admitted to juvenile homes on attaining the age of eighteen years.

Power to make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out of the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A large number of children are forced by their parents to do menial labour, in order to sustain their livelihood. Due to lack of proper diet and healthcare, these children become victims of a number of diseases. Some of them even succumb to premature death. Many of these children are highly talented. But due to lack of proper education and other opportunities, their talent goes waste.

Children are the future of a country. It is, therefore, the responsibility of the Government to provide opportunities for all-round development to every child and also to provide protection against exploitation. Thus, it is proposed to bring in a legislation for the welfare and protection of children against exploitation.

Hence this Bill.

NEW DELHI;
November 3, 2009.

ADHIR RANJAN CHOWDHURY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for setting up of adequate number of juvenile homes with all basic amenities for the welfare of children in every district of the country by the Central Government. Clause 5 provides for free of cost food, accommodation, clothing, education and medical facilities to the children in juvenile homes. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees fifty crore is likely to be involved.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 96 OF 2009

A Bill to abolish death penalty to women, children and indigent persons.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Abolition of Death Penalty to Women, Children and Indigent Persons Act, 2009.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise provides, —

(i) “child” means any person who has not completed the age of fifteen years;

(ii) "death penalty" means a sentence of death in any form passed by a court of law or any other authority including the Village Courts or District Councils or Regional Councils or sentence of death passed by Village panchayats or sabhas, tribal sabhas or heads of villages or tribes, whether having legal authority or not, in accordance with personal law, custom or usage and includes death penalty for practicing witchcraft; and

(iii) "indigent person" means and includes any person who has attained the age of sixty years and is suffering from any incurable disease or is mentally retarded.

45 of 1860.

3. Notwithstanding anything contained in the Indian Penal Code, 1860 or any other law for the time being in force or custom or usage in practice in India, death penalty shall not be awarded to any woman or child or any indigent person, notwithstanding the nature of crime committed or caused to be committed and abetted or caused to be abetted by such woman or child or indigent persons.

Death sentence not to be awarded to women, children and indigent persons.

4. Any person or persons violating the provisions of this Act shall be punished with rigorous imprisonment for a term not less than ten years and also with fine of rupees one lakh.

Punishment.

STATEMENT OF OBJECTS AND REASONS

It has been observed that vulnerable sections of the society, the women, the children and the indigent persons continue to be the subject of exploitation, including sexual exploitation and abuse and are often placed in such circumstances wherein they are liable to commit crimes attracting severe penalties including death penalty. Various customary, religious as well as tribal laws often provide for death penalties for offences like "adultery" and practicing "witchcraft".

A circumstance or situation can hardly be conceived when the persons belonging to weaker sex, the children or the indigent persons would commit such a crime without enough provocation as to attract the death penalty.

Many cases have come to light where women, children or indigent persons have been sentenced to death. It would only be proper to abolish death penalty for such vulnerable sections.

Hence this Bill.

NEW DELHI;
November 3, 2009.

ADHIR RANJAN CHOWDHURY

BILL NO. 108 OF 2009

A Bill to provide for welfare measures for the poor and destitute and such other agricultural workers and artisans living in villages through an Authority and establishment of a Welfare Fund for payment of compensation in cases of death or permanent disability, old-age pension, medical assistance, maternity and creche facilities for the women workers and artisans and for regulating the conditions of work and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Poor and Destitute Agricultural Workers and Artisans (Welfare) Act, 2009.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “agricultural land” means any cultivable land used for cultivation of any agricultural produce, dairy farming, growing and harvesting of any horticultural product, raising and rearing of livestock, beekeeping, poultry, growing fodder and such other activities as may be connected with agriculture;

(b) “agricultural worker” means any person who works as a labourer on hire or in exchange whether in cash or in kind or partly in cash and partly in kind in farming activities including cultivation and tillage of soil, dairy farming, activities related to harvesting of horticultural commodities and includes any activity related to production of agricultural produce and rearing of livestock, poultry or any such work;

(c) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(d) “artisans” includes all skilled workmen such as craftsmen, weavers, potters, blacksmiths, handicraft artisans, goldsmiths, painters and such other artisans working in villages;

(e) “Authority” means the Poor and Destitute Agricultural Workers and Artisans Welfare Authority established under section 3;

(f) “employer” means any person who employs agricultural workers or artisans in any manner;

(g) “Fund” means the Poor and Destitute Agricultural Workers and Artisans Welfare Fund established under section 5;

(h) “poor and destitute” means any person not living in a *pucca* house and includes those who live in huts with thatched roof or *kutch* house and whose annual income from all sources does not exceed rupees ten thousand; and

(i) “prescribed” means prescribed by rules made under this Act.

Establishment
of a Poor and
Destitute Agri-
cultural Work-
ers and Arti-
sans Welfare
Authority.

3. (1) **The Central Government shall, as soon as may be, by notification in the Official Gazette, establish a Poor and Destitute Agricultural Workers and Artisans Welfare Authority for the purposes of this Act.**

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and common seal with power to acquire, hold and dispose off property, both movable and immovable, and to contract and shall by the said name, sue and be sued.

(3) **The headquarters of the Authority shall be at Lucknow in the State of Uttar Pradesh and the Authority may establish offices at such other places in the Country as it may deem necessary for carrying out the purposes of this Act.**

(4) The Authority shall consist of the following members, namely:—

(a) the Union Minister of Labour and Employment, who shall be the Chairperson *ex-officio*;

(b) a Deputy Chairperson to be appointed by the Central Government having the background or specialization in labour related issues and such other qualifications as may be prescribed;

(c) five members of Parliament of whom three shall be from the House of the People and two from the Council of States to be nominated by the presiding officer of the House concerned;

(d) four members to be appointed by the Central Government to represent the Union Ministries of Agriculture, Finance, Labour and Employment and Rural Development respectively;

(e) three members to be appointed by the Central Government from amongst the poor and destitute agricultural workers and artisans in such manner as may be prescribed; and

(f) not more than four members to be appointed by the Central Government in consultation with the State Governments, representing State Governments in the alphabetical order and it shall be ensured that all the States get represented in the Authority by rotation.

(5) The salaries and allowances payable to, and other terms and conditions of service of the Deputy Chairperson and other Members of the Authority shall be such as may be prescribed.

(6) The Authority shall have a Secretariat with such number of officers and staff with such terms and conditions of service as may be prescribed from time to time.

(7) The Commission shall observe such procedure in the transaction of its business, as may be prescribed.

(8) The quorum to constitute any sitting of the Commission shall be such as may be prescribed.

4. (1) The Authority shall perform such functions relating to welfare measures for the poor and destitute agricultural workers and artisans as may be assigned to it by the Central Government. Functions of
the Authority.

(2) Without prejudice to the generality of the provisions of sub-section (1), the welfare measures referred to therein may also provide for,—

(i) maintaining a district-wise register of poor and destitute agricultural workers and artisans in such manner and with such particulars and details as may be prescribed;

(ii) maintaining village-wise records pertaining to artisans and in particular relating to weavers such as number of handlooms existing in each village, number of handloom weavers and workers and details of other artisans living in a village with such particulars and in such manner as may be prescribed;

(iii) maintaining agricultural land records from village level to district level;

(iv) maintaining district-wise register of employers employing poor and destitute agricultural workers or the artisans, as the case may be, with such particulars and in such manner as may be prescribed;

(v) ensuring availability of raw materials to the weavers and other artisans of villages and work to the poor and destitute agricultural workers round the year;

(vi) regulating the conditions of work and fix minimum wages for the poor and destitute agricultural workers and artisans covered under this Act;

(vii) ensuring remunerative prices for the finished products of artisans by making suitable arrangements for purchase of such products by Government agencies including Ministries or Departments by opening exclusive showrooms for their products, establishing stalls at conspicuous places for selling the products, arranging craft fairs, exhibitions and such other promotional activities as may be prescribed from time to time;

(viii) payment of old-age pension to the poor and destitute agricultural workers and artisans and provision of provident fund facilities for them;

(ix) payment of compensation at prescribed rates to the families of poor and destitute agricultural workers and artisans who die prematurely due to accident or illness or due to any other unnatural reason;

(x) providing free of cost health care to the poor and destitute agricultural workers and artisans in such manner as may be prescribed;

(xi) providing maternity and creche facilities for the female workers and artisans covered under this Act;

(xii) providing insurance facility to all the workers and artisans covered under this Act; and

(xiii) such other provisions as may be deemed necessary for carrying out the purposes of this Act.

Establishment
of a Poor and
Destitute
Agricultural
Workers and
Artisans
Welfare Fund.

5. (1) The Central Government shall, by notification in the Official Gazette, establish a Welfare Fund for the purposes of this Act to be called the Poor and Destitute Agricultural Workers and Artisans Welfare Fund with an initial corpus of rupees ten thousand crore to be provided by the Central Government by due appropriation made by law by Parliament in this behalf.

(2) The Central Government, State Governments and employers of the poor and destitute agricultural workers and artisans shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donations, contribution or assistance from individuals, organizations or otherwise shall also be credited to the Fund.

(4) The fund shall be used for the welfare of the poor and destitute agricultural workers and artisans by the Authority in such manner as may be prescribed.

Appropriate
Government
to ensure
implementation
of the Act.

6. Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to ensure effective implementation of the provisions of this Act.

Power to
remove
difficulties.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of such difficulty.

Act not in
derogation of
any other law.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to
make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Majority of our population lives in the villages and most of them depend on agriculture in one way or the other. Millions of poor and destitute agricultural workers and village artisans like handloom weavers, potters, goldsmiths, blacksmiths, shoemakers, barbers, handicrafts artisans, doll makers, mat and basket makers, painters, carpenters, etc. also form part of the rural population. The agricultural workers work on the fields or farms of the farmers to earn their livelihood. They are poverty-stricken, homeless as they live in huts with thatched roof with no security from rains and cold and are landless and remain exploited throughout their lives. As they are unorganized they are denied even the basic facilities of minimum wages, work round the year, maternity benefit etc. by their employers. Even two square meals and a pair of clothes is a luxury for them. The artisans too are poverty-stricken. They do not get raw materials at reasonable prices or marketing facilities or working capital or any other protective measures from the State. Though their works are internationally acclaimed and are very much in demand abroad, their art is at the verge of extinction.

Ours is a welfare State, hence it is the duty of the Central and State Governments to protect the poor and destitute agricultural workers and village artisans who make immense contribution to our GDP by introducing welfare measures and legal protection for them as they too are part and parcel of our society and the nation.

Hence this Bill.

NEW DELHI;
November 3, 2009.

SHAIENDRA KUMAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Poor and Destitute Agricultural Workers and Artisans Welfare Authority. Clause 4 provides for maintaining a district-wise register of poor and destitute agricultural workers and artisans and for provision of certain facilities to these workers and artisans. Clause 5 provides for the establishment of the Poor and Destitute Agricultural Workers and Artisans Welfare Fund with an initial corpus of rupees ten thousand crore to be provided by the Central Government. Thereafter funds are to be provided annually. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore would be involved as recurring expenditure per annum.

A sum of rupees one thousand crore would also be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 105 OF 2009

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2009.

Short title.

2. In Part IV of the Constitution, the existing article 48 shall be re-numbered as clause (1) of that article, and after clause (1) as so re-numbered, the following clause shall be inserted, namely:—

Amendment of article 48.

“(2) The state shall take steps to,—

(a) earmark adequate percentage of Gross Domestic Product for the agriculture sector to ensure growth of this sector;

(b) declare agriculture as an industry and extend all the facilities and concessions available to the industries;

(c) make agriculture export oriented and promote export of surplus agricultural products;

(d) ensure remunerative prices for all the agriculture produce and extend compulsory market intervention whenever there is bumper crop of any agriculture produce including foodgrains, pulses, fruits and vegetables;

(e) provide excellent marketing facilities, cold storages and cheap and affordable transportation facilities to the farmers for their produce;

(f) ensure that every factory or enterprise using any agricultural produce as raw material clears all the dues of the farmer in respect of the produce so purchased from him within a fortnight of such purchase;

(g) ensure that the farmers get timely loans from the banks and financial institutions for agriculture and other purposes so as to save them from the clutches of moneylenders;

(h) ensure that farmers get adequate and timely compensation whenever they are affected by any natural calamity;

(i) ensure that farmers get quality seeds, manure, fertilizers and pesticides at reasonable prices during the sowing season;

(j) save distressed farmers from taking extreme step of committing suicide and extend welfare measure for the families of such farmers who have committed suicide;

(k) extend compulsory crop and livestock insurance cover free of cost to farmers;

(l) ensure rapid growth of agriculture in drought prone, desert and arid areas by providing irrigation facilities and implementing watershed programmes;

(m) ensure revival of traditional water storage bodies and implement schemes of promoting rainwater harvesting technologies;

(n) promote agro-based industries such as dairy and cooperative sectors in the rural areas;

(o) introduce welfare measures such as health care, old age pension, disability pension, educational facilities, child care facilities including maternity services, nutritious meal and such other facilities to the farmers and members of their families;

(p) provide agricultural workers all such benefits as are available to the workers in industrial sector;

(q) raise the standard of living of agricultural workers and enhance their purchasing capacity;

(r) promote the handicrafts, Khadi and Village industries sectors;

(s) introduce agriculture as a subject of study at all levels of education; and

(t) take such other measures for the promotion of agriculture and welfare of farmers as the State may deem necessary and expedient to do so.

Explanation.—For the purposes of this article the expression 'agriculture' includes horticulture, sericulture, rearing of livestock, poultry, bee keeping, dairying and such other activities which are related to agriculture."

STATEMENT OF OBJECTS AND REASONS

India is primarily an agricultural country as more than 70 per cent of its population is, one way or the other, dependent on agriculture. The agricultural scientists and our farmers have made the nation self-sufficient in the production of foodgrains through green revolution. Most of the industrial products in the country are based on agriculture as their raw materials come from agriculture. But, unfortunately, the lot of farmers as well as of agricultural sector as a whole is far from satisfactory. There is sharp contrast between the agricultural and the industrial sectors. The margin of profit in industrial sector is manifold whereas it is nominal or very meager in agricultural sector.

Though the agricultural sector is the backbone of our economy, the irony is that this sector has consistently been neglected both at the States and the national level. A tiny percentage of our GDP is allocated to this sector. As a result even after implementing ten five-year plans, the agriculture is still dependent on rains as irrigation capability has not been increased to the desired levels and the poor farmers have to face the brunt of the vagaries of nature. As such, the development of agriculture, more so in the light of our booming population, has become very crucial for the nation. The need of the hour is to give the status of industry to agriculture and extend all the facilities to it which are enjoyed by the industrial sector. A national welfare policy needs to be implemented for the farmers. The agricultural workers have to be given a fair deal and equal treatment as per with industrial workers. If we are able to improve the living standards of our farmers, agricultural workers and artisans, it will be our national achievement and this is possible only when the agricultural sector gets its due share at the national level.

In view of the above, the proposed Bill seeks to include a provision in the part relating to directive principles of State policy of our Constitution seeking to list measures needed to be taken by the State for the welfare of agriculture and the farmers.

Hence this Bill.

NEW DELHI;
November 3, 2009.

SHAIENDRA KUMAR

BILL NO. 110 OF 2009

A Bill to provide for the rehabilitation and welfare measures to be undertaken by the Union and the State Governments for the street children who subsist on rag picking, begging, shoe polishing, working as potters or performing acrobatics at road crossings or public places and for their rehabilitation by taking their custody and providing them due care, protection, education, vocational training and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Street Children (Rehabilitation and Welfare) Act, 2009.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the State Government, and in other cases, the Central Government;

(b) "child" means a boy or girl who is below the age of eighteen years;

(c) "children home" means an institution or home established or certified as such by the appropriate Government for the purposes of this Act;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "street child" means a child who is an orphan or has been abandoned or is a vagabond and who subsists on income earned by collecting and selling of waste materials from garbage dumps or streets or other public places or begging or working as a potter or vendor or shoe polisher and who lives on pavement or in a hutment or slum or railway platform or bus stop or such other place.

3. (1) The Central Government shall, as soon as may be, formulate a National Policy for the rehabilitation and welfare of street children so as to secure them all rights of childhood and make them responsible citizens.

National
Policy for
street
children.

(2) Without prejudice to the generality of the foregoing provision, the National Policy referred to in sub-section (1) may include:—

(a) taking custody of every street child and provide him boarding, lodging and other facilities in children home;

(b) taking of such measures, as may be necessary, to discourage street children from returning to their earlier means of subsistence;

(c) provision of free educational facilities, vocational training and facilities for developing moral values and other skills among street children to make them self-dependent;

(d) provision of employment opportunities for street children after they complete their education and vocational training;

(e) provision of annual grants-in-aid to such orphanages and non-governmental organizations as are working for the welfare of street children; and

(f) such other measures as may be deemed necessary for carrying out the purposes of this Act.

4. It shall be the duty of the appropriate Government to implement the National Policy formulated under section 3.

Appropriate
Government to
implement the
National
Policy.

5. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish a Fund to be known as the Street Children Welfare Fund with an initial corpus of rupees two thousand crore to be provided by the Central Government by due appropriation made by law by Parliament in this behalf.

Establishment
of Street
Children
Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance from individuals, organizations or otherwise shall also be credited to the Fund.

(4) The Fund shall be used for the welfare of the street children in such manner as may be prescribed.

6. (1) The appropriate Government shall establish or cause to be established such number of children homes as it may deem necessary for the purposes of this Act.

Establishment
of children
homes.

(2) The children homes established under sub-section (1) shall provide free boarding and lodging and such other facilities to the street children as may be prescribed.

Welfare
measures for
the street
children.

7. The appropriate Government shall—

- (a) maintain a district-wise register of all street children;
- (b) open sufficient number of schools and colleges for imparting education to the street children and provide books, writing materials, clothes, uniforms and other relevant articles free of cost;
- (c) provide healthcare facilities free of cost to all street children;
- (d) take custody of every street child in such manner as may be prescribed;
- (e) send every street child taken into custody under this Act to a children home or to a non-governmental organisation certified by the appropriate Government in such manner as may be prescribed;
- (f) provide vocational training and gainful employment to street children; and
- (g) take such other measures as may be necessary for the rehabilitation and welfare of street children.

Central
Government to
provide
adequate funds.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Punishment.

9. Notwithstanding anything contained in the Indian Penal Code, 1860 or any other law for the time being in force, whoever— 45 of 1860

(a) forces any child covered under this Act to beg, commit petty crime or ragpicking or any act which is injurious to the health of such child shall be punished with imprisonment for a term which shall not be less than four years but may extend to seven years and also with which may extend to rupees five lakh;

(b) sexually exploits any child covered under this Act shall be punished with imprisonment for a term which shall not be less than ten years but may extend to life imprisonment and also with fine which shall not be less than rupees five lakh but may extend to rupees ten lakh; and

(c) having already been convicted of an offence under this Act or an abetment of such offence is again convicted of any such offence or abetment shall be punished with life imprisonment and also with fine which may extend to rupees ten lakh.

Act to have
overriding
effect.

10. The provision of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in
derogation of
any other law.

11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to
make rules.

12. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

It has rightly been said that children are the future of any country because they grow as the citizens of that country. It is, therefore, necessary to bring them up in a good atmosphere by providing them all the necessities of life, good education and a joyful childhood. It is equally important to note that most of the parents try their best to give their children good upbringing and provide them best facilities. But in our country, unfortunately, there are millions of orphans, who are mostly homeless, abandoned, runaway, vagabond and destitute who are generally known as street children and can be seen in most of the urban areas littering, collecting waste papers, plastic and metal scraps from the dumping pits and public places for their subsistence. They can also be seen begging at the road crossings, near the religious places, markets, bus stops and railway stations. Many a times they indulge in petty crimes like stealings, pick-pocketing and snatching for their survival. They are exploited by anti-social elements and even by the police. Such children become hardened criminals when they grow up. The girl child in this category is often sexually exploited and ultimately pushed into flesh trade. They fall prey to all kinds of dreaded diseases. Education is a day dream for them and even two squire meals are a luxury for them. These children are thus most vulnerable to abuses, exploitation and depravity.

Ours is a welfare State and thus it is the duty of the State to ensure that these hapless, homeless orphan and street children are protected against neglect, cruelty and exploitation and they must enjoy childhood by bringing them into the national mainstream by giving every opportunity and protection they deserve in order to fully develop their potentials. They should be provided with good education, nutrition, healthcare and good atmosphere which will enable them to grow as responsible citizens. The Government have to establish children homes with all facilities for the street children. The NGOs too have to be encouraged for the upliftment of orphans and street children. The provisions of the Bill will go a long way in creating a better society and a strong nation.

Hence this Bill.

NEW DELHI;
November 3, 2009.

SHAIENDRA KUMAR

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the establishment of a Street Children Welfare Fund with an initial corpus of rupees two thousand crore to be provided by the Central Government. Clause 6 provides for establishment of children homes for street children. Clause 7 provides for welfare measures to be undertaken by the appropriate Government for the street children. Clause 8 provides that the Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act. Although, the expenditure relating to States shall be borne out of the Consolidated Funds of the respective States, the Central Government shall bear the expenditure in providing assistance to the State Governments for carrying out the purposes of the Act and for implementing the provisions of the Act in Union territories. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Though, at this stage, it is difficult to assess the exact expenditure, it is estimated that a sum of rupees five thousand crore would be involved as recurring expenditure per annum.

A sum of rupees ten thousand crore would also be involved as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

P.D.T. ACHARY,
Secretary-General.